

**THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, September 7, 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

Donald Wittcop-42 2nd Avenue-No purpose for the council to form a committee on the Opting in on Marijuana Legalization. Would recommend voting no.

Carol Harvey-65 Roncroft Drive-Questioned the Marijuana Committee-likes the idea for New Opportunities for the city.

Darlene Bolsover -1337 Sweeney Street-If a Marijuana Committee is formed, she would recommend having a diverse group and at least 20 members.

Ann Murphy-1576 Master Street-Asked the Mayor to have the Marijuana Committee be Bi-Partisan.

Bill Paton-260 Oliver Street-Asked Alderman Tylec if he was aware that a committee was formed on the County level. We should understand the Burdens that will come with opting in on this.

Susan Wilkes-329 Miller Street-Asking the City Engineer once again on soil samples that were given to her. Engineer explained once again that the City doesn't determine Wetlands. We should do our research on the Bitcoin project.

Darlene Bolsover 1377 Sweeney Street- Asked about the Bike Path ride that is happening down Sweeney street. City Engineer and Community Development told her that information was mailed to residents.

Jim Berry-43 Old Falls Blvd.-Concerns about Digihost Initiative-Carbon Footprint, Bio Safety Committee could be formed, what happens when something happens that we didn't plan for? What is the city's back up plan?

Gregg Schnitzer-429 Wheatfield Street-Asked the Mayor one question on when he was aware of the sale of Fortistar?

Joe Midura-115 10th Avenue-Happy to see the Committee being formed and that we are looking at opting in or out. Also talked about Digihost/Fortistar using Bio Gas.

APPROVAL OF THE MINUTES OF THE REGULAR SESSION AUGUST 17, 2021

MOVED by Alderman Zadzilka **SECONDED** by Alderman DiBernardo
That the minutes of the regular session held August 17, 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 8/5/2021

- 1) **Legal Notice – Notice of Finding of no Significant Impact and Notice of Intent to Request Release of Funds – Mayor**

PROOF OF PUBLICATION PUBLISHED 8/10/2021

- 1) **Legal Notice – Sealed Proposals for the Erie Avenue Mill and Repave Project – City Clerk-Treasurer**

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

CARRIED.

COMMUNICATIONS FROM CITY OFFICIALS

#1. Austin Tylec

August 12, 2021

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

Re: Dogs Are People Too Event Request

Dear Honorable Body:

From noon to 4 p.m. Saturday, Sept. 25 at Carruthers Park, Alderman Austin Tylec and Kimberly LaRussa of Sweet Buffalo would like to request approval for a free community event called “Dogs are People, Too” to help homeless dogs right here in North Tonawanda and bring our residents – and their four-legged friends – together like never before.

The event would give residents an opportunity to visit a park that is not as well-known, bringing eyes to it from guests across WNY; learn more about fostering and adopting through Diamonds in the Ruff Animal Rescue; spread awareness about keeping pets safe; and offer the opportunity for residents to get information on registering their pets in North Tonawanda which helps when the pet is lost.

We also plan to have:

- **The Oliver Street Merchants information booth**
- **Licensed food trucks**
- **Music and Entertainment such as a dog fashion show & kissing booth**
- **Activities for residents to enjoy with their dogs like a free ball pit photo shoot with Tailor Mayde Photography**

City Engineer

MOVED by Alderman **Zadzilka** **SECONDED** by Alderman **DiBernardo**
That the Common Council hereby awards the Erie Avenue Mill and Repave Project Contract 2021-05, to Amherst Paving Inc., 330 Meyer Road, Amherst, New York 14226-1034, at their low Base Bid and Alternate amount of \$495,409.00; and authorizes the Mayor to sign said contract subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

IV.2 Engineer

September 2, 2021

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

**Re: Project 2020-08 Pinewoods Park Pavilion and Bathroom Improvements
 Award of Contract**

Dear Honorable Body:

On August 31, 2021, two (2) bids were received and opened by the City Clerk for the Pinewoods Park Pavilion and Bathroom Improvements Project. The results are as follows:

Total Base Bid:

- | | | |
|-----------|---|---------------------|
| 1. | North Spur Construction | \$133,350.00 |
| 2. | Sicoli Construction Services, Inc. | \$161,700.00 |

Total Base Bid and Alternates (1 through 6):

- | | | |
|----|------------------------------------|--------------|
| 1. | North Spur Construction | \$197,680.00 |
| 2. | Sicoli Construction Services, Inc. | \$218,700.00 |

The Engineering Department and the City's Engineering Consultant, Nussbaumer and Clarke, Inc. have reviewed the bid results and are recommending award of the Contract. Accordingly, I respectfully request that the Common Council award the Pinewoods Park pavilion and Bathroom Improvements Contract to North Spur Construction, 156 Garrison Road, Buffalo, New York, at their low Base Bid amount of \$133,350.00; authorizing the Mayor to sign said contract subject to review by the City Attorney.

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

MOVED by Alderman **Pecoraro** **SECONDED** by Alderman **Tylec**
That the Common Council hereby awards the Pinewoods Park pavilion and Bathroom Improvements Contract to North Spur Construction, 156 Garrison Road, Buffalo, New York, at their low Base Bid amount of \$133,350.00; and authorizes the Mayor to sign said contract subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

VII.1 Accountant

August 11, 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 September 7th, 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 Schmigel
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated September 7, 2021, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$513,928.70
02	Water Fund	38,257.92
04	Sewer Fund	350,176.22
06	Capital Project Fund	208,733.13
07	Trust & Agency Fund	<u>14,650.51</u>
00	Final Total	<u>\$1,125,746.48</u>

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

VII.2 Accountant

September 7, 2021

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

Dear Honorable Body:

In accordance with Article V, Division 2, Section 5.023 and Section 2.2 of the Budgetary Transfer Policy, please authorize the City Accountant to make the following amendment of fiscal year 2021 appropriations, based on the request of the Department Head, copy attached.

<u>Dollar Amount</u>	<u>Decrease/Increase Account</u>	<u>Increase Appropriation Account</u>
\$61,500	001.9060.0807 Medical Insurance	001.7110.0482 Pinewoods Park Dasny

Reason: To fund the City Match for the project using savings from obtaining new Medical Insurance Broker

Warm regards,
Jeffrey Zellner
City Accountant

And Common Council
216 Payne Avenue
North Tonawanda, NY 14120

Dear Mayor Pappas and Common Council,

Attached is the new lease agreement for Golf Carts at Deerwood Golf Course. After submitting a request for RFP, Nuttall Golf Cars, Inc. were one of two companies that submitted a proposal, and were the lowest bid. Upon the review from the City Attorney, I respectfully ask for permission to sign the agreement which will take us through the 2026 calendar year, with an option to renew for an additional 5-year term.

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

MOVED by Alderman DiBernardo **SECONDED** by Alderman Tylec
That the Common Council hereby approves the lease agreement for golf carts at Deerwood Golf Course with Nuttall Golf Cars, Inc., subject to review by the City Attorney.
Ayes: Alderman Schmigel, DiBernardo, Zadzilka, Tylec, Pecoraro (5)
Nays: None (0)
CARRIED.

XVII. Traffic Safety

August 16, 2021

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

Traffic Safety Minutes:

The August 2021 meeting of the North Tonawanda Traffic Safety Committee was called to order at 1700 hours. Roll call showed the following members present: R. Frank, J. Sikora, M. Meisenburg, M. Daigler, 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) Councilman Frank DiBernardo requested a “Children at Play” sign on Payne Avenue in front of Memorial Park due to lack of signage in a park area. Member Frank requested and was granted permission from Mayor Pappas to put up the proper signage. Member Meisenburg updated the proper signage in front of the park.
- 2) Janine Rizzo requested a “Children at Play” sign on Wheatfield Street in front of the Nation Little League Baseball Fields due to lack of signage in a ballpark area. Member Frank requested and was granted permission from Mayor Pappas to put up the proper signage. Member Meisenburg updated the proper signage in front of the baseball fields.
- 3) Gary Shaeffer of Wurlitzer Drive requested extra patrols for speeders on Wurlitzer Drive. Patrols made extra checks and the speed sign was placed there from 7/30/21 to present.
- 4) Suzanne Demonte requested signs at the bike path on Sweeney Street by the Service Drive Boat Launch. This appeared to be an oversight when the bike path was installed therefore member Meisenburg installed proper signage at the bike path that says “No Vehicles on the Bike Path”.
- 5) Councilman Robert Schmigel requested that a RV be moved on 5th Avenue due to lack of sight for vehicles. Member Frank contacted the owner of the RV, Jeff Wagner, who moved the RV up the road to make a clear line of sight. Member

Frank contacted City Attorney, Luke Brown, who advised the RV is legally parked long as it is not a traffic problem.

- 6) Justin Rich requested a stop sign at Wurlitzer Drive and Fairfax Avenue to slow down speeding. The committee checked on the request and found there is already a stop sign within 1 tenth of a mile on both sides of Fairfax. There was a prior traffic study done when Walmart was built which showed where the stop signs should be on Wurlitzer Drive. Fairfax was not one of the cross streets that needed a stop sign per the study. Member Frank posted the speed sign around different parts of Wurlitzer Drive from 7/30/21 to the present day. Patrols will monitor the area. Member Frank advised Mr. Rich.
- 7) In July, Paul Schultz stated there were parking issues with a new vendor at the market. Schultz will be contacting the City Market Committee to try and resolve the problem. Member Frank will advise Donna Braun.

Meeting adjourned at 1930 hours.

Travel safely,
Robert J. Frank

MOVED by Alderman Tylec **SECONDED** by Alderman Schmigel
That the Common Council hereby receives and files the Traffic Safety minutes from their August meeting.

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

Nays: None (0)

CARRIED.

XXV. Monthly Reports

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

MOVED by Alderman Pecoraro **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.

LATE COMMUNICATION

MOVED by Alderman Zadzilka **SECONDED** by Alderman Schmigel
To bring the following communications to the floor.

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

Nays: None (0)

CARRIED.

#1.

Robert Pecoraro

September 6, 2021

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

Dear Honorable Body:

I will introduce this late communication during our Common Council Meeting on September 7, 2021 for Mayor Arthur G. Pappas to form a committee to examines the issues

mention in this resolution and makes its recommendation to the North Tonawanda Common Council by November 29, 2021. This is a time sensitive issue and we need to move quickly on possible recommendations.

Please let me know if you have any questions.

Sincerely,
Alderman at Large Robert E. Pecoraro
President, North Tonawanda Common Council

MOVED by Alderman Zadzilka **SECONDED** by Alderman Schmigel
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 September 7, 2021, approves the Resolution on Committee formed to explore the impact of NYS Legalization of Marijuana and it reads as follows:

**RESOLUTION ON COMMITTEE FORMED TO EXPLORE THE IMPACT OF NYS
LEGALIZATION OF MARIJUANA
By Collective North Tonawanda Common Council
Robert E. Pecoraro, Frank DiBernardo, Eric Zadzilka, Austin Tylec, Robert Schmigel**

WHEREAS, on March 31, 2021 Governor Andrew M. Cuomo signed the Marijuana Regulation & Taxation Act (MRTA) which legalized the recreational adult-use of cannabis for individuals 21 years of age or older in the State of New York; and

WHEREAS, municipalities have the ability to remain in or opt-out of allowing adult-use cannabis retail dispensaries or on-site consumption licenses to operating within their jurisdictions within accordance to MRTA and the Cannabis Control Board; and

WHEREAS, if municipalities wish to opt-out, said municipality must pass a law by December 31 2021 or nine months after the effective date of the legislation detailing such ordinances and is subject to a permissive referendum as outlined in section twenty-four of the Municipal Home Rule Law; and

WHEREAS, we the North Tonawanda Common Council request that Mayor Arthur G. Pappas creates a committee to examine the potential ramifications of both remaining in or opting-out of allowing adult-use cannabis retail dispensaries or on-site consumption licenses within the city limits; and

WHEREAS, such a committee be created by the Mayor with the goal of getting input from our residents on this important and new legislation passed by the State of New York; and

WHEREAS, this committee be compromised of a diverse group of city residents and community leaders in order to obtain an objective and fair assessment of the impacts of MRTA; and

WHEREAS, this committee should examine and explore the impacts of such ordinances in the fields of public safety, public health, and financial revenues/burdens; and

WHEREAS, this committee must issue its recommendation to the Common Council by November 29, 2021 to allow the Common Council to pass the necessary legislation prior to December 31,2021; and

NOW, THEREFORE, BE IT RESOLVED that Mayor Arthur G, Pappas forms a committee to examines the issues mentioned in this resolution above and makes issues its recommendation to the North Tonawanda Common Council by November 29, 2021.

Subject to further review by the City Attorney.

Ayes: Alderman Schmigel, DiBernardo, Zadzilka, Pecoraro (4)

Nays: Tylec (1)

CARRIED.

AUDIENCE PARTICIPATION:

ADJOURNMENT

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

Time of Adjournment: 7:59 P.M.

Respectfully submitted,

Donna L. Braun
City Clerk-Treasurer