

**THE HONORABLE BODY**  
**Council Chambers**  
**Municipal Building**  
**North Tonawanda, New York 14120**  
**Tuesday, October 2, 2018**  
**6:34 P.M.**

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**REGULAR SESSION CALLED TO ORDER BY PRESIDENT ZADZILKA**

**PLEDGE OF ALLEGIANCE**

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**ROLL CALL**

**Present:**           **President Zadzilka**  
                          **Alderman Braun, Pecoraro, Tylec**

**Absent:**           **City Attorney Luke Brown & Alderman Berube**

**Also Present:**     **Mayor Arthur G. Pappas**

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**AUDIENCE PARTICIPATION**

**Ed Smolinski 1097 Sweeney Street** – I think it is a bad idea to put stop signs on Division Street. Traffic Safety has reviewed this idea in the past and we did not agree with the stop signs. I think you need to look at other options like painting traffic lines on the streets.

**Tom Galas 174 Belmont Ct. East** – People do not honor the yield signs on Division. I would like the traffic signal by OLC to be changed. I would like to see it working during the week not just weekends.

**Stephen Brown 758 Daigler Drive** – We are seeking approval to open up a patio in the front of our building at 775 Oliver Street that would include City owned right of way.

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**APPROVAL OF THE MINUTES OF THE REGULAR SESSION SEPTEMBER 18, 2018**

**MOVED** by Alderman   **Zadzilka**           **SECONDED** by Alderman   **Tylec**  
**That the minutes of the regular session meeting held September 18, 2018 be approved as circulated and filed in the Office of the City Clerk.**  
**CARRIED.**

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**PROOF OF PUBLICATION PUBLISHED 9/20/2018**

- 1) Legal Notice –New York State Department of Environmental Conservation Notice of Intent to Modify – Supt. Wastewater/Water

**PROOF OF PUBLICATION PUBLISHED 9/21/2018**

- 1) Legal Notice – Request for Proposals for the Gateway Park Improvements Project No.2018-01 – City Engineer

**MOVED** by Alderman   **Pecoraro**           **SECONDED** by Alderman   **Braun**  
**That the Common Council hereby receives and files the aforementioned Proof of Publications.**  
**CARRIED.**

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## COMMUNICATIONS FROM CITY OFFICIALS

### III.1 Clerk-Treasurer

September 25, 2018

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

Dear Honorable Mayor and Common Council:

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:

177.17-1-43          574 Old Falls Blvd.          Kirk Wynkoop

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

Thank you for your cooperation.

Very truly yours,  
Daniel R. Quinn  
City Clerk-Treasurer

MOVED by Alderman Zadzilka          SECONDED by Alderman Braun  
That the Common Council hereby approves the removal of the following parcel:

177.17-1-43          574 Old Falls Blvd.          Kirk Wynkoop

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 Braun, Pecoraro, Tylec, Zadzilka (4)

Nays: None (0)

CARRIED.

### III.2 Clerk-Treasurer

September 26, 2018

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

Re: Great American Smoke Out

Dear Council:

On September 19, 2018 I received an email from Lisa A. Peterangelo, The CHANT Coordinator in North Tonawanda. Lisa is requesting permission to set up a table at City Hall on November 16, 2018 for the Great American Smoke Out. She will be providing anti-smoking materials along with cider and donuts. I am requesting the Council consider Lisa A. Peterangelo's request.

Regards,  
Daniel R. Quinn  
City Clerk-Treasurer





## IV.3 Engineer

September 26, 2018

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

**Re: Division Street – Removal of Yield Signs North to East Schenck Street and East Robinson Street and Replace with Stop Signs**

Dear Honorable Body:

On September 25, 2018, we sat down with you at the Common Council Workshop to discuss our proposed design ideas to calm traffic along Division Street in the corridor from East Schenck to Erie Avenue. As part of this discussion, we asked that you approve the removal of the yield signs at the following locations on Division Street and replace them with stop signs:

- Approximately 200 feet north of East Schenck Street
- Approximately 150 feet north of East Robinson Street

The Engineering Department feels that this improvement will calm traffic along Division Street as well as make it safer for exiting traffic off of the Twin City Memorial Highway. Accordingly, I respectfully request that the Common Council approve the removal of the yield signs in the two above mentioned locations and have them replace with stop signs.

Very truly yours,  
 Dale W. Marshall  
 City Engineer

**MOVED** by Alderman Pecoraro                      **SECONDED** by Alderman Zadzilka  
 That the Common Council hereby approves of the removal of (2) yield signs on the Twin City Memorial Highway located at:

- Approximately 200 feet north of East Schenck Street
- Approximately 150 feet north of East Robinson Street

And directs the Department of Public Works to remove said signs and replacing them with Stop signs.

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

Nays: None (0)

**CARRIED.**

## V. Supt. Wastewater/Water

September 5, 2018

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

Honorable Body:

As Superintendent of Wastewater, Water & Water Distribution I am responsible for providing safety programs and training for our employees.

Confined Space Entry is one of our most important safety trainings that we must provide. My responsibilities under this program are described as follows:

*“This Permit-Required Confined Space Entry Program” defines the practices and procedures to protect North Tonawanda WWTP employees, contractors and vendors from hazards associated with permit-required confined space entry.*

10-02-2018

*This program is written to meet or exceed the requirements of Occupational Safety and Health Administration (OSHA) regulation 29 CFR 1910.146, "Permit-Required Confined Spaces."*

*The provisions of this program require North Tonawanda WWTP to provide the procedures, training and equipment to mitigate all recognized hazards and verify compliance through the use of a written permit form.*

*This Permit-Required Confined Space Entry Program is available from the WWTP Superintendent to all employees and their representatives for review upon request. Both the program and inventory of spaces will be maintained in the Main Building.*

The CSEA Union is offering a Confined Space Entry "Train-the-Trainer" course in Syracuse, NY October 29, 2018 – November 2, 2018. This 40 hour course is the most comprehensive and hands-on training that a person can receive (see attached flyer).

As per the Memorandum of Agreement between CSEA and the City of North Tonawanda regarding the requirements of the CSEA Peer Trainer Program I am sending four employees to this training at no cost to the City. Due to the fact that I am responsible for providing safety training to our Wastewater, Water Treatment & Water Distribution employees I feel it is important for me to also receive this training.

I would like your permission to attend the CSEA Confined Space Entry "Train-the-Trainer" course. CSEA has offered to pay for my cost to attend the course, but I will require your approval for reimbursement of my travel, lodging and meal expenses as per the City's Travel Policy. I have attached an estimated total cost of \$1,067.40 for me to attend this week long training program for your review.

I respectfully request your permission to attend this very important confined Space Entry safety training program. Thank you for your time and consideration of my request.

Sincerely,  
William M. Davignon  
Supt. Wastewater/Water

City Clerk-Treasurer Daniel R. Quinn withdrew Supt. William M. Davignon request to attend the Confined Space Entry Train-the-Trainer Program in Syracuse from the agenda, per written request from him.

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VII.1 Accountant

September 26, 2018

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 October 2, 2018 and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Regards,  
Amanda Reimer  
City Accountant

MOVED by Alderman Zadzilka      SECONDED by Alderman Pecoraro  
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated October 2, 2018 and further authorizes the Mayor and

City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$248,694.92	
02	Water Fund	22,877.99	
04	Sewer Fund	62,018.49	
06	Capital Project Fund	313,441.48	
81	CD – Comm. Dev.	10,005.07	
87	CD – Imprest	<u>13,650.00</u>	
00	Final Total	<u>\$670,687.95</u>	

Ayes: Alderman Braun, Pecoraro, Tylec, Zadzilka (4)  
 Nays: None (0)  
 CARRIED.

## VII.2 Accountant

September 24, 2018

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

Dear Honorable Body:

Please be advised that this office sent out a Request for Proposal (RFP) on August 13, 2018 to three (3) qualified actuaries for the professional service related to actuarial consulting services for the City's postretirement health care plan as required of Statement No. 75 of the Government Accounting Standards Board (GASB). The RFP used the criteria of experience, staffing and cost to evaluate the proposals:

<u>Firm</u>	<u>Total Cost</u>	<u>Score</u>
Danziger & Markhoff, LLP	\$11,400.00	12
Burke Group	\$14,000.00	12
Silverstone Group	Declined to respond to RFP	

Based on my evaluation of the criteria and the cost, it is my recommendation that Danziger & Markhoff, LLP, continue to provide actuarial services to the City of North Tonawanda, in accordance with their proposals, at their low bid of \$5,700 for the fiscal year ended 12/31/2018 and \$5,700 for the fiscal year ended 12/31/2020.

Regards,  
 Amanda Reimer  
 City Accountant

MOVED by Alderman Pecoraro                      SECONDED by Alderman Tylec  
 That the Common Council hereby approves of Danziger & Markhoff, LLP to continue to provide actuarial services to the City of North Tonawanda for the postretirement health care plan, at their low bid of \$5,700, for the fiscal year ended 12/31/2018 and \$5,700 for the fiscal year ended 12/31/2020, Subject to further review by the City Attorney.

Ayes: Alderman Braun, Pecoraro, Tylec, Zadzilka (4)  
 Nays: None (0)  
 CARRIED.

## VII.3 Accountant

September 17, 2018

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

Dear Honorable Body:

Please be advised that this office sent out a Request for Proposal (RFP) on June 11, 2018 to five (5) qualified independent Certified Public Accountants for the professional service related to the annual audit for the City of North Tonawanda. The City's current external auditor also submitted a proposal for consideration. The audit will include the Single Audit, NYSDOT Audit, Deferred Compensation Audit and preparation of the General Purpose Financial Statements that are sent to various government and financial agencies, to include the New York State Comptroller. The RFP used the criteria of experience, staffing and cost to evaluate the proposals:

<u>C P A Firm</u>	<u>Total Cost Three (3) Years</u>	<u>Rating Criteria</u>
Bonadio Group	\$87,750.00	4.8
Drescher & Malecki LLP	\$87,807.00	4.8
Freed Maxick & Battaglia, PC	\$94,800.00	4.5
Lumsden & McCormick	\$88,800.00	4.2
Amato Fox & Company, PC	\$46,800.00	1.8
Tronconi Segarra and Associates	Declined to respond to RFP	n/a

Based on my evaluation of the rating criteria, it is my recommendation that Bonadio Group, be awarded the three year engagement, commencing the fiscal year ended 12/31/18 through fiscal year ending 12/31/2020, to audit the records of the City of North Tonawanda and prepare the Single Audit and General Purpose Financial Statements, in accordance with their proposals, at their bid of \$87,750 over the three year period.

Regards  
Amanda Reimer  
City Accountant

MOVED by Alderman Tylec

SECONDED by Alderman

That the Common Council hereby rejects the recommendation of Bonadio Group to be awarded the three year contract to be the Certified Public Accountants for professional service related to the annual audit for the City of North Tonawanda.

Ayes: Alderman Tylec (1)

Nays: Alderman Braun, Pecoraro, Zadzilka (3)

CARRIED.

MOVED by Alderman Pecoraro

SECONDED by Alderman Braun

That the Common Council hereby approves Amato Fox & Company, PC to continue to be the Certified Public Accountants for professional service related to the annual audit for the City of North Tonawanda, to be revisited after one year.

Ayes: Alderman Braun, Pecoraro, Zadzilka (3)

Nays: Alderman Tylec (1)

CARRIED.

X. Police Chief

September 28, 2018

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

Dear Honorable Body:

Would you please re-appoint Larry W. Kuebler, Jr., 367 Daniel Drive, North Tonawanda, NY 14120, as Commissioner of Deeds for the City of North Tonawanda effective October 22, 2018 ending October 21, 2020.

Sincerely,  
Roger R. Zgolak  
Chief of Police



1. The Clerk's Office received a call regarding parking issues on Weaver Parkway. Member DiBernardo will speak to the residents to see if they would like parking on only one side of the street. DiBernardo will discuss the outcome at the October meeting.
2. Member Daigler placed a bright yellow sign at the corner of TCMH and Wheatfield Street informing citizens that there is "No Right Turn".
3. The owner of Power Fitness at 308 Oliver Street asked if there will be more "30 Minute" parking signs put back up on Oliver Street. This item will be discussed at the September meeting.
4. Bill and Diana Hawthorne would like to have extra speed signs and speed bumps in Gratwick Park. Member Frank spoke with Mayor Pappas in regards to completing this soon due to the boating season in full effect, Mayor agreed. Member Daigler placed new signs up in the park.
5. The owners of 416 Sweeney Street put up their own "No Parking" signs in the lot across the street from them. Member Frank advised them that this property was owned by the City and State and that the signs needed to be taken down. The signs were removed by staff.
6. Austin Tylec received a complaint that people have been parking on the bike path on Sweeney Street. This problem was addressed a couple months ago and we found that it was a one-time occurrence for a neighborhood party. Members Frank and Sikora monitored the bike path and there are no problems at this time. Member Frank spoke to Dale Marshall who stated that the signs that are in place are adequate.
7. Sean Donohue wants a stop sign on Park Avenue. The NTPD traffic officer monitored Park Avenue and found that the average speed on two different dates was 34MPH with a high of 37MPH. Member Frank placed the speed sign on the street and monitored it and found that vehicles are not going down the street at "60MPH" like suggested. Committee members were advised in the September meeting of the results and all were in agreement not to put a stop sign in.

## SEPTEMBER

1. Paul Brown would like "30 Minute" parking signs changed to "2 Hour" parking, the signs he would like changed are located in front of the Vegan store across from 314 Oliver Street. The committee already changed the signs from "15 Minute" to "30 Minute", and reduced the signs on that side of the street from four signs to two signs. This was brought to the council recently who approved it. The committee believes that the two signs are sufficient and benefit everyone and not just one business or person. The other side of the street had multiple parking spots with no time limits. Committee votes for no change.
2. Member Daigler placed six new "No Parking except for Funerals" signs in front of the Cemetery on Wall Street. Three signs per side.
3. Kathy Smith of 25 Maple Terrace would like "No Parking" signs in front of her residence. The committee votes not to grant this based on not putting up signs for individual purposes.
4. Austin Tylec received a request to have the "No Parking" signs taken down on Christiana Street. Member Daigler is going to look into this and discuss it at the October meeting.
5. David Evans of Columbia Fire Hall has one handicapped parking spot in front of their hall and would like to add more due to the numerous elderly members. Committee is in favor and member Daigler will take care of it.
6. John Divirgilio would like the stop signs taken down at Payne Avenue and Goundry Street and Payne Avenue and Tremont Street. Members agree to leave them up for now.

7. Member Daigler would like to take down the “No Parking” signs on Evans Street due to the Lowry Middle School no longer being open. Requesting permission from the Council.
8. Member Daigler would like to make Geneva Street a one-way street that goes one-way from Lincoln Avenue to Vandervoort Street. Daigler believes this would help with plowing during the winter. Daigler will talk to the residents to get their opinion and bring it back to the committee in the October meeting.
9. Laura Pecoraro would like the “No Parking” signs at Botanical gardens spread out. Member Daigler will reach out to Pecoraro and help her with the signs.
10. Brando Layton stated that people are going through the stop sign at Gilmore and 14<sup>th</sup> Avenue. Member Sikora left two messages on Layton’s voicemail to find an approximate time but received no call back. Member Frank will advise the traffic officer to watch the intersection.

Meeting adjourned at 20:00 hours for the September meeting

Travel safely,  
Robert J. Frank

MOVED by Alderman Pecoraro                      SECONDED by Alderman Zadzilka  
That the Common Council hereby approves Traffic Safety recommendation #7 from the September meeting, and receives and files the August and September Traffic Safety meeting minutes.

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

Nays: None (0)

CARRIED.

**COMMUNICATIONS FROM OTHERS**

A.  
Carnegie Art Center

September 25, 2018

Daniel R. Quinn  
City Clerk-Treasurer  
City of North Tonawanda  
216 Payne Avenue  
North Tonawanda, NY 14120

Dear Mr. Quinn,

We are requesting permission of change in our lease agreement, allowing the sale of wine and beer under a one day special permit from the State Liquor Authority. The permit will be filed by Webster’s Bistro under their license as the named caterer for the event. The dates listed below are for October – December 2018 Exhibition Schedule & Fundraising events.

Date of Event	Name of Exhibit
Thursday, October 4, 2018	Niagara Frontier Plein Art Painters
Thursday, November 1, 2018	Chamber of Commerce Meeting
Friday, November 23, 2018	Private Rental – Bev DiPalma Board Member Birthday CAC Fundraiser
Thursday, November 29, 2018	Art off the Wall - Fundraiser
Thursday, December 6, 2018	CAC Member Show

Please feel free to contact me with any questions.

Sincerely,  
Barbara B. Hughes  
Board President

**MOVED** by Alderman Pecoraro                      **SECONDED** by Alderman Zadzilka

That the Common Council hereby grants permission to the Carnegie Art Center to cater their 2018 Exhibition Schedule, with an addition to Thursday, November 1, 2018 and also allowing the sale of wine and beer under a one day special permit from the State Liquor Authority for each event.

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

Nays: None (0)

**CARRIED.**

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**B.**  
**Stephen M. Brown**

September 19, 2018

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

Dear Common Council,

My wife and I have owned this property since 1997. We have had three different bar/restaurants and one diner in there during this time. Our last tenant recently retired in June of this year (Susan Dominique – Half Moon Bay). Due to the upgrades we felt had to be done to bring in a “decent” tenant, we have decided to open the restaurant with full bar service ourselves. It will be called Brownie’s Sports Bar & Tavern with a projected opening date of March 2019.

We are seeking your approval to put a front patio, 38' wide by 10' depth to the front (see attached sketch & documents) to expand service to the front patio area during our nicer weather. We want to bring the outside in so to speak. This is the “hottest” thing to do right now as I work with a lot of different developers in Buffalo and all over Western NY. We are going to install a permanent commercial awning over the patio, install bi-folding doors where the tow windows currently are, a railing enclosing the area (so you will need to enter the restaurant to get out there) and we are also painting the entire front of the building as well as putting veneer stone in between the doors directly under the awning.

We are working with Lumber City Development Corp. and just received the application for \$5,000 grant for the façade and are also going to apply for a grant up to \$35,000 through the Microenterprise Assistance Program which can be used for “removable equipment”. We are currently going to NCCC once a week to the Small Business Development Center Program for the Microenterprise Entrepreneur Series which is one of the requirements to receive such grant.

We are putting in excess of \$60,000 of our own money to make this happen. The improvements to the front façade alone are approximately \$30,000.

We all know there has been a big push to revitalize Oliver Street which is long overdue! I think we all know that this would be a great start in the effort and we just hope that some of the other business/property owners follow suit!

Thank you in advance for your consideration.

Stephen M. Brown  
President - Owner

MOVED by Alderman Pecoraro

SECONDED by Alderman Zadzilka

That the Common Council hereby grants permission to Stephen M. Brown for an easement to serve food in front of his business located at 775 Oliver Street, to allow people to sit outside and dine, subject to review by the City Attorney

Ayes: Alderman Braun, Pecoraro, Tylec, Zadzilka

(4)

Nays: None

(0)

CARRIED.

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#### AUDIENCE PARTICIPATION

Ed Smolinski – I did not realize that there was more information to the Division Street project, I wish it would have been put on our website sooner.

Tom Galas 174 Belmont Ct. East – I feel the City has too much parking on our streets in North Tonawanda. We have too many Streets that have become one way Streets because of how big vehicles are now. The street cleaner cannot clean the streets properly because of all the cars on the streets. Maybe you should have no parking on the streets at night all year long, they manage in the winter. I heard a vehicle flipped over on my street and clean up was bad because of all the cars on my street. You should increase the fees for dogs, boat launch permits, kayaks, and parking permits. We should also charge the lawn care companies. We need a good bathroom at Gateway Harbor.

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#### ADJOURNMENT

MOVED by Alderman Pecoraro

SECONDED by Alderman Tylec

That this regular session of the Common Council be and hereby is adjourned.

CARRIED.

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Time of Adjournment: 7:58 P.M.

Respectfully submitted,

Daniel R. Quinn  
City Clerk-Treasurer