

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, October 16, 2018
6:33 P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT ZADZILKA

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Absent: None

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

AUDIENCE PARTICIPATION

Sonia Dusza 123 Miller Street – I have to say President Zadzilka that prayer was like get it over with, no heart. I would like to ask regarding the resignations, why are they resigning? Did something happen? Did they retire or move out of the City. Also, in regards to the appointment of Frank DiBernardo on the Planning Commission why did the Chairman of the Planning Commission resign? Was this opening put on the website? I would like to see new blood, no more retreads. This City needs to get away from this retread business. I would like to know about the Memorandum of Agreement with Niagara County Health Department. We need more than 30 days to respond to the Brownfield Opportunity Area State Environmental Quality Review.

APPROVAL OF THE MINUTES OF THE SPECIAL SESSION OCTOBER 9, 2018

MOVED by Alderman Zadzilka SECONDED by Alderman Berube
That the minutes of the special session meeting held October 9, 2018 be approved as
circulated and filed in the Office of the City Clerk.
CARRIED.

PROOF OF PUBLICATION PUBLISHED 10/5/2018

1) Legal Notice –Formal Bids on the Processing of Recyclables as Collected Curbside -
Supt. Public Works

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

#1 John Mangus

October 8, 2018

Dear Chief Sikora:

I wish to resign my position as Assistant Director of Emergency Management, effective October 18, 2018.

Thank you for giving me this opportunity.

Sincerely yours,
John W. Mangus

MOVED by Alderman Zadzilka **SECONDED** by Alderman Pecoraro
That the Common Council hereby receives and files the resignation of John W. Mangus, as Assistant Director of Emergency Management effective October 18, 2018.

Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka (5)

Nays: None (0)

CARRIED.

#2 Jeff Abbott

October 10, 2018

Dear Chief Sikora,

Please let this letter serve as my humble and grateful resignation from the City of North Tonawanda Emergency Management Office effective October 18, 2018.

I would like to thank you and the entire department, past and present, for the opportunity to learn and lead for the last eight years. I wish you all the best and will undoubtedly see you all through the many trainings, calls and events within our respective vocations.

Should you need anything further from me do not hesitate to ask. I will gladly support the NT EMO and North Tonawanda Fire Department within my skill set and scope.

Stay Safe!

Gratefully,
Jeff Abbott

MOVED by Alderman Pecoraro **SECONDED** by Alderman Berube
That the Common Council hereby receives and files the resignation of Jeff Abbott, as Assistant Director of Emergency Management effective October 18, 2018.

Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka (5)

Nays: None (0)

CARRIED.

I. Mayor

October 9, 2018

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

Re: Planning Commission Committee

Dear Honorable Body:

Please be advised that I am appointing Frank DiBernardo, 19 Niagara Circle, North Tonawanda, NY 14120, to the Planning Commission Committee. Mr. DiBernardo will be fulfilling the remainder of the term for David Kenyon which expires December 31, 2023. Mr. Kenyon resigned from the board.

Thank you for your attention to this matter.

Sincerely,
 Arthur G. Pappas
 Mayor

MOVED by Alderman Zadzilka SECONDED by Alderman Braun
 That the Common Council hereby receives and files the appointment of Frank DiBernardo, 19 Niagara Circle, North Tonawanda, NY 14120 to the Planning Commission expiring December 31, 2023.

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

Nays: Alderman Tylec (1)

CARRIED.

III. Clerk-Treasurer

October 11, 2018

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

Dear Honorable Body:

I am requesting to re-appoint Lori A. Swartz, 346 Ward Road, North Tonawanda, NY 14120 as a Commissioner of Deeds for the City of North Tonawanda. Effective November 7, 2018 and ending November 6, 2020.

Sincerely,
 Daniel R. Quinn
 City Clerk-Treasurer

MOVED by Alderman Tylec SECONDED by Alderman Zadzilka
 That the Common Council hereby grants the re-appointment of Lori A. Swartz, 346 Ward Road, North Tonawanda, NY 14120 as Commissioner of Deeds for the City of North Tonawanda, effective November 7, 2018 and ending November 6, 2020.

Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka (5)

Nays: None (0)

CARRIED.

VII. Accountant

10-16-2018

VII. Accountant

October 10, 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 16, 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 Pecoraro

SECONDED by Alderman Berube

That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated October 16, 2018 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$675,546.26
02	Water Fund	25,785.55
04	Sewer Fund	80,185.80
06	Capital Project Fund	117,122.50
07	Trust & Agency Fund	<u>223.08</u>
00	Final Total	<u>\$898,863.19</u>

Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka

(5)

Nays: None

(0)

CARRIED.

IX. Supt. Public Works

October 9, 2018

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

Re: Memorandum of Understanding with Niagara County Health Department

Dear Honorable Body:

Attached please find a proposed Memorandum of Understanding the Department of Public Works received from the Niagara County Health Department. This MOU would update the previous agreement until January 1, 2022. Attorney Luke Brown has reviewed said agreement and has approved it for execution if approval is granted at the next Common Council meeting.

Should you have any questions, please contact the office at your earliest convenience.

Very truly yours,
Mark A. Zellner
Superintendent of Public Works

10-16-2018

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MOVED by Alderman Berube SECONDED by Alderman Pecoraro
 That the Common Council hereby approves the Memorandum of Understanding with
 Niagara County Health Department, expiring January 1, 2022, subject to further review by
 the City Attorney.

Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka (5)

Nays: None (0)

CARRIED.

X. Police Chief

October 10, 2018

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

Dear Honorable Body:

Would you please re-appoint the following as Commissioner of Deeds for the City of North
 Tonawanda beginning November 18, 2018 and ending November 17, 2020:

Gary P. Lewis, 1230 Parkview Drive, North Tonawanda, NY 14120
 James P. Muehlbauer, 1287 Master Street, North Tonawanda, NY 14120

Roger R. Zgolak
 Chief of Police

MOVED by Alderman Pecoraro SECONDED by Alderman Zadzilka
 That the Common Council hereby grants the re-appointment of Gary P. Lewis, 1230
 Parkview Drive, North Tonawanda, NY 14120 and James P. Muehlbauer, 1287 Master
 Street, North Tonawanda, NY 14120 as Commissioner of Deeds for the City of North
 Tonawanda, effective November 18, 2018 and ending November 17, 2020.

Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka (5)

Nays: None (0)

CARRIED.

XI. Fire Chief

October 11, 2018

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

Dear Honorable Body:

After accepting, with regret, the resignations of 1st Assistant Director of Emergency
 Management, John Mangus, and 2nd Assistant Director, Jeff Abbott, and in accordance with
 the City Charter of the City of North Tonawanda, and pursuant to the authority vested in
 me by §3.002.e thereof; I make the following appointments:

Joseph L. Krantz, 472 Walck Road, North Tonawanda, is appointed to the position
 of 1st Assistant Director.

Douglas N. Hanes, 209 Doyle Drive, North Tonawanda, is appointed to the position of
 2nd Assistant Director.

Both appointments will be effective October 19, 2018

Sincerely,
 Joseph D. Sikora
 Fire Chief

MOVED by Alderman Berube **SECONDED** by Alderman Zadzilka
 That the Common Council hereby approves the appointment of Joseph L. Krantz 472 Walck Road, North Tonawanda as 1st Assistant Director of Emergency Management and Douglas N. Hanes, 209 Doyle Drive, North Tonawanda, as 2nd Assistant Director of Emergency Management effective October 19, 2018.

Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka (5)

Nays: None (0)

CARRIED.

XXV. Monthly Reports

.1 Clerk-Treasurer .2 Police Department

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

CARRIED.

XXXII. Community Development

October 10, 2018

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

Re: North Tonawanda Brownfield Opportunity Area State Environmental
 Quality Review (SEQR)

Dear Honorable Body:

As you are aware, the City of North Tonawanda has undertaken and completed the New York State Brownfield Opportunity Area (BOA) program. Directed by Bergmann Associates, this program has incorporated input from City Departments, local stakeholder groups, local businesses, and city residents to establish a redevelopment plan for the BOA area of downtown and the Niagara River waterfront. In order to finalize the BOA program a number of procedural steps remain, including completion of the City SEQR requirements, drafting and finalization of an Environmental Impact Statement, issuance of a Findings Statement, and adoption of zoning code revisions.

Attached please find a resolution for your consideration to advance the SEQR process. This resolution affirms that the adoption of the BOA is a Type 1 SEQR action, that Parts 1, 2, and 3 of the Full SEQR environmental Assessment were prepared and this Council made a positive declaration of potential significant adverse environmental impact, that the North Tonawanda Brownfield Opportunity Area Implementation Strategy / DGEIS and Zoning Code Update is adequate for public review, and that public review and comments on the full BOA, Zoning Code, and DGEIS documents will open from October 17, 2018 through November 16, 2018. Hard copies of the complete documents will be made available in the City Clerk's office in City Hall and also at the Community Development office at 500 Wheatfield Street. The complete documents will also be posted to the City Website.

The North Tonawanda BOA is the culmination of years of study and planning efforts which will lay a foundation for the revitalization and redevelopment of North Tonawanda's waterfront and downtown. Thank you for the support this Honorable Body has provided over the years in assisting and participating in the planning process. Please let me know if you have any further questions or concerns.

Thank you for your time and consideration.

Kindest regards,
 Michael Zimmerman
 Director of Community Development

MOVED by Alderman Pecoraro 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 6:30PM on October 16, 2018 the following resolution was passed:

**North Tonawanda Brownfield Opportunity Area Notice of DGEIS Acceptance and
Initiation of Public Comment Period**

Resolution of the City of North Tonawanda Common Council to issue a notice of acceptance of the North Tonawanda Brownfield Opportunity Area Implementation Strategy / Draft Generic Environmental Impact Statement (DGEIS) and Zoning code Update and initiate the thirty (30) day public comment period.

WHEREAS, the City of North Tonawanda secured a grant from the New York State Department of State for the preparation of the North Tonawanda Brownfield Opportunity Area Implementation Strategy / Draft Generic Environmental Impact Statement and Zoning Code Update, the "Action"; and

WHEREAS, the City of North Tonawanda has classified the Action as a Type 1 Action under SEQRA 6 NYCRR §617.4 and therefore must undergo environmental, review; and

WHEREAS, review of the Action, coordinated by the Lumber City Development Corporation with involved and interested agencies, to develop a DGEIS for 546-acres of land in North Tonawanda adjacent to the Niagara River; and

WHEREAS, after completion and review of the SEQRA Full Environmental Assessment Form Parts I, II and III along with supporting documentation, the Common Council found that the Action may result in one or more significant adverse impacts on the environment; and

WHEREAS, in accordance with 6 NYCRR 617.7, the North Tonawanda Common Council issued a positive declaration and determined a DGEIS must be prepared to further assess the potential significant adverse impact(s) and possible mitigation measures and alternatives to avoid or reduce those impacts must be explored; and

WHEREAS, a DGEIS was submitted to the North Tonawanda Common Council and the Common Council undertook a thorough review of the DGEIS to determine its adequacy pursuant to SEQRA; and

NOW THEREFORE, BE IT RESOLVED, by the City of North Tonawanda Common Council as follows;

That the City of North Tonawanda Common Council affirms that the Action is a Type 1 Action under 6 NYCRR 617;

That the City of North Tonawanda issued a positive declaration, stating that the Action may have potential significant adverse environmental impacts and that a DGEIS was prepared and reviewed;

BE IT FURTHER RESOLVED, that the City of North Tonawanda Common Council determines that the North Tonawanda Brownfield Opportunity Area Implementation Strategy / DGEIS and Zoning Code Update is adequate for public review; and

BE IT FURTHER RESOLVED, that the City of North Tonawanda Common Council authorizes the Lumber City Development Corporation and/or their consultant to prepare, file and publish the Notice of Completion of the DGEIS in the New York State Department of Environmental Conservation Environmental Notice Bulletin as required in 6 NYCRR 617 and disseminated to all interested and involved agencies;

BE IT FURTHER RESOLVED, that the City of North Tonawanda Common Council hereby establishes a public comment period of thirty (30) calendar days beginning on October 17, 2018, the date of the first filing and circulation of the notice of completion, and ending on November 16, 2018; and

BE IT FURTHER RESOLVED, that the DGEIS will be available in hard copy for public review at the City of North Tonawanda City Hall at 216 Payne Avenue, North Tonawanda, NY 14120, and the Lumber City Development Corporation located at 500 Wheatfield Street, North Tonawanda, NY 14120 as well as online at the web addresses of <http://www.northtonawanda.org> and

<http://www.ntmomentum.com/>.

Subject to further review by the City Attorney.

Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka

(5)

Nays: None

(0)

CARRIED.

COMMUNICATIONS FROM OTHERS

A.

Tonawanda's United Veterans Council

October 2, 2017

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

North Tonawanda Common Council,

On November 12, 2018 the Tonawanda's United Veteran's Council will hold our Veterans Day ceremony at 12 noon on the Renaissance Bridge. We are asking that the bridge be closed to traffic on the North Tonawanda side at 11:30 AM and reopen to traffic at 12:30 PM. The same request was sent to the Tonawanda Council. All City Officials are invited to our service. Thank you.

In Service to Veterans,
Paul Pietrowski
President
Tonawanda's United Veterans Council

MOVED by Alderman Pecoraro

SECONDED by Alderman Zadzilka

That the Common Council hereby approves the closing of the Renaissance Bridge from 11:30 AM to 12:30 PM on Tuesday November 12, 2018 for the annual Veterans Day Observance, and directs the DPW to provide barricades for said event.

Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka

(5)

Nays: None

(0)

CARRIED

LATE COMMUNICATION

MOVED by Alderman Pecoraro

SECONDED by Alderman Zadzilka

To bring the following communication to the floor

Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka

(5)

Nays: None

(0)

CARRIED.

#1.
Police Chief

October 15, 2018

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

Dear Honorable Body,

A vacancy exists for the position of Detention Aid within the City of North Tonawanda Police Department following the resignation of Detention Aid Julia Granato.

It is my intention to fill this vacancy with the hiring of Jenna L. Fretthold of 1241 Oliver Street, North Tonawanda, NY 14120 effective Friday October 19, 2018.

Respectfully,
Roger R. Zgolak
Chief of Police

MOVED by Alderman Pecoraro SECONDED by Alderman Tylec
That the Common Council hereby approves the appointment of Jenna L. Fretthold, 1241 Oliver Street, to the position of Detention Aid for the North Tonawanda Police Department effective October 19, 2018.

Ayes: Alderman Braun, Berube, Pecoraro, Tylec, Zadzilka (5)

Nays: None (0)

CARRIED

AUDIENCE PARTICIPATION

Sue Wilke 329 Miller Street – I am concerned about the wetlands on Sweeney Street. I am concerned for our kids. I have experience working for the DOT and have gone to workshops with engineers, erosion is going to be a problem. The problem is the Republican Party is totally blind, deaf and dumb to this issue. You are destroying your kids and grandkids futures. What kind of future are you going to give these kids.

Kevin Loren 94 Cleveland Ave. Apt.#2, Tonawanda – We have created a skate park at the tennis courts on Miller Street. When we went there recently, it was taken down and the courts were locked with a sign stating “no skateboarding”. I was wondering why it was taken down and if there is any chance in the future of allowing this at this location.

Walt Yaro 170 Christiana Street – I would like to have come here with some data and projections, but the city workers I asked could not provide me with the information. I was looking for the linear mileage of our streets and sidewalks. We spend approximately a million dollars a year on streets and our sidewalks are horrible. The sidewalks need to be addressed. I used to walk my dog at night, but I no longer do this because it is not safe. If it is not the City’s responsibility to fix the sidewalk get the residents to. You have a clock over on the wall, how come it is not running? One more thing, Mr. Tylec had you looked into the dictionary for “recommendation” you would of found the meaning to be “suggestion”, specifically if it is to your superior.

Carol Harvey 65 Roncroff Drive – A couple of weeks ago I had a fire in my home and I would like to call out to our first responders. They were wonderful, they did a great job saving my home and pets. I would like to just say thank you.

Sonia Dusza 123 Miller Street – Good comments. Sue really researches her stuff. I know what she says about the importance of wetland and you should really take that to heart. It is shameful that we only have 30 days to respond to the Brownfield SEQR. This past year I received a notice in the mail regarding my grass. I was mad. I enjoy maintaining my yard. You can go around my neighborhood and see grass that was worse than mine. The property on Sommer between Oliver and Carruthers used to be maintained by the Recreation Department, now it is a dump. But no, you retaliate against Sonia Dusza. In regard to the tennis court, it has never been fixed since a car hit it years ago.

ADJOURNMENT

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

Time of Adjournment: 7:25 P.M.

Respectfully submitted,



Daniel R. Quinn
City Clerk-Treasurer