

**THE HONORABLE BODY**  
**Council Chambers**  
**Municipal Building**  
**North Tonawanda, New York 14120**  
**Tuesday, April 19, 2016**  
**6:35P.M.**

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

**PLEDGE OF ALLEGIANCE**

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**ROLL CALL**

**Present:           President Rizzo**  
**Alderman Zadzilka, Braun, Schwandt, Pecoraro**

**Absent:           None**

**Also Present:     Mayor Arthur G. Pappas**  
**City Attorney Katherine D. Alexander**

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**AUDIENCE PARTICIPATION –**

**Joan Horn 742 Fletcher Street (Partners in Art) –** Read a letter submitted by the Merchants Association from February 4, 2016. Said that she was disappointed that the Council is voting tonight to allow the closing of Webster Street for all the events. Said that the street looks awful all summer long, and the streets are closed to early and she would like someone from the Council to please answer her questions.

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**APPROVAL OF THE MINUTES OF THE REGULAR SESSION APRIL 5, 2016**

**MOVED by Alderman Zadzilka           SECONDED by Alderman Pecoraro**  
**That the minutes of the regular session meeting held April 5, 2016 be approved as**  
**circulated and filed in the Office of the City Clerk.**  
**CARRIED.**

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**PROOF OF PUBLICATION PUBLISHED MARCH 30, 2016 AND APRIL 6, 2016**

**1) Legal Notice – Collection of the City 2016 Taxes – City Clerk-Treasurer**

**MOVED by Alderman Zadzilka           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

### II. Attorney

April 13, 2016

Hon. Mayor and Common Council  
City Hall, 216 Payne Avenue  
North Tonawanda, New York 14120

Dear Honorable Body:

Recently, the City approved the CSEA contract effective January 1, 2015 until December 31, 2019. Prior to its passage, your Honorable Council had, either through resolutions or the budget process upgraded a number of CSEA positions. Because these upgrades took place while the CBA was effective, they have yet to be printed within the actual contract document. The CSEA Union is requesting that with the current passage of the new CBA, and printing of new documents, that these already approved upgrades be incorporated into the document. The positions previously approved are below:

Account Clerk Typist – Group IV  
Assistant City Clerk – Group IX  
Assistant City Treasurer – Group X  
Assistant Building Inspector – Group XII  
Building Maintenance Supervisor – Group XV  
Sanitary Chemist – Group XVI  
Traffic Maintenance Supervisor – Group XVI

Should your Honorable Body approve these can be added to the new CBA document. If you have any questions, please do not hesitate to contact me.

Very truly yours,  
Katherine D. Alexander, Esq.  
City Attorney

**MOVED** by Alderman Zadzilka                      **SECONDED** by Alderman Pecoraro  
That the Common Council approves the CSEA upgrades to be incorporated into the new contract documents effective January 1, 2015 to December 31, 2019 to read as follows:

Account Clerk Typist – Group IV  
Assistant City Clerk – Group IX  
Assistant City Treasurer – Group X  
Assistant Building Inspector – Group XII  
Building Maintenance Supervisor – Group XV  
Sanitary Chemist – Group XVI  
Traffic Maintenance Supervisor – Group XVI

Subject to further review by the City Attorney.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo

(5)

Nays: None

(0)

**CARRIED.**

### IV.1 Engineer

April 12, 2016

Honorable Arthur G. Pappas, Mayor  
And Common Council Members  
City Hall  
North Tonawanda, New York 14120

**RE: Children's Remembrance Gardenwalk at Brauer Park  
Project 2015-10  
SEQRA – Environmental Assessment**

04-19-2016

000092



Honorable Body:

In accordance with the New York State Environmental Quality Review Act (SEQRA), the City in its capacity as Lead Agency, has prepared an environmental assessment evaluating the significance of potential environmental impacts of the construction of a landscaped gardenwalk with a pergola, central monument feature. This project is considered an unlisted action under SEQRA.

In order for the City to issue a Negative Declaration, Notice of Determination of Non-Significance, the Common Council should act on the following attached resolution.

Very truly yours,  
Dale W. Marshall, P.E.  
City Engineer

MOVED by Alderman Pecoraro                      SECONDED by Alderman Zadzilka  
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 April 19, 2016 the following resolution was passed:

WHEREAS, the City of North Tonawanda, through a grant from the Dormitory Authority of the State of New York, intends to construct a landscaped gardenwalk that includes pathways, benches lighting, irrigation, plantings, trees, and also structural components such as a pergola with memorial nameplate wall and a central monument feature, within publically owned Brauer Park located on Payne Avenue; therefore

BE IT RESOLVED, that the Common Council has reviewed the Environmental Assessment prepared by the City Engineer; and

BE IT RESOLVED, that the Common Council declares that based on the Environmental Assessment which has been prepared, the project is an unlisted action and will not result in any significant adverse impacts, and therefore will not have a significant impact on the environment; and

FURTHER, BE IT RESOLVED that the Common Council as Lead Agency hereby issues a Negative Declaration under SEQR Regulations concerning the construction of the Children's Remembrance Gardenwalk; and authorizes the Mayor to sign said Environmental Assessment form.

Subject to further review by the City Attorney.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)  
Nays: None (0)  
CARRIED.

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#### VII.1 Accountant

April 14, 2016

Honorable Arthur G. Pappas, Mayor  
& Common Council  
City Hall —216 Payne Avenue  
North Tonawanda, New York 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 April 19, 2016, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.



Very truly yours,  
Mark W. Dotterweich  
City Accountant

MOVED by Alderman Schwandt      SECONDED by Alderman Braun  
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated April 19, 2016 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$245,040.64
02	Water Fund	12,218.08
04	Sewer Fund	31,598.58
06	Capital Project Fund	53,040.88
07	Trust & Agency Fund	<u>1,549.24</u>
00	Final Total	<u>\$343,447.42</u>

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)  
Nays: None (0)  
CARRIED.

## VII.2 Accountant

April 12, 2016

Honorable Arthur A. Pappas, Mayor  
and Common Council  
City Hall  
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 transfers of fiscal year 2016 appropriations, based on the request of the Department Head, copy attached:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>From: Appropriation Account</u>	<u>Into: Appropriation Account</u>
2	38,000.00	1-5110.100 Personnel Account	1-3310.100 Personnel Account

Very truly yours,  
Mark W. Dotterweich  
City Accountant

MOVED by Alderman Zadzilka      SECONDED by Alderman Braun  
That the Common Council hereby authorizes the City Accountant to make the Budgetary Transfer of fiscal year 2016 appropriations, based on the request of the Department Head as follows:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>From: Appropriation Account</u>	<u>Into: Appropriation Account</u>
2	38,000.00	1-5110.100 Personnel Account	1-3310.100 Personnel Account

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)  
Nays: None (0)  
CARRIED.

**X.1 Police**

April 15, 2016

Honorable Arthur A. Pappas, Mayor  
and Common Council  
City Hall  
North Tonawanda, NY 14120

Dear Honorable Body:

Michelle A Day is appointed to the position of Police Detective, effective April 22, 2016. She will be assigned to the Detective Bureau. Michelle A. Day was selected from a list provided by the Niagara County Civil Service Commission.

A brief promotional ceremony will be held on April 22, 2016 in the Common Council Chambers at 0930 hrs.

Thank you,  
William R. Hall  
Chief of Police

MOVED by Alderman Schwandt      SECONDED by Alderman Pecoraro  
That the Common Council hereby approves the appointment of Michelle A. Day to the position of Police Detective effective April 22, 2016.  
Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)  
Nays: None (0)  
CARRIED.

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**X.2 Police**

April 15, 2016

Honorable Arthur A. Pappas, Mayor  
and Common Council  
City Hall  
North Tonawanda, NY 14120

Dear Honorable Body:

Robert W. Kalota is appointed to the position of Police Lieutenant, effective April 22, 2016. His assignment is pending. Robert W. Kalota was selected from a list provided by the Niagara County Civil Service Commission.

A brief promotional ceremony will be held on April 22, 2016 in the Common Council Chambers at 0930 hrs.

Thank you,  
William R. Hall  
Chief of Police

MOVED by Alderman Zadzilka      SECONDED by Alderman Braun  
That the Common Council hereby approves the appointment of Robert W. Kalota to the position of Police Lieutenant effective April 22, 2016.  
Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)  
Nays: None (0)  
CARRIED.

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**XIV.1 Youth Recreation & Parks**

April 12, 2016

Honorable Mayor Pappas &  
Common Council Members  
City Hall, 216 Payne Avenue  
North Tonawanda, New York 14120

**Re: Proposed Umpire Service Bid Award**

Dear Honorable Body:

On Thursday, March 31, 2016, bids were received and opened by the City Clerk for Umpire Services for the Department of Youth, Recreation & Parks. The results are as follows:

- |                                     |                                      |
|-------------------------------------|--------------------------------------|
| 1. Dan Rey                          | Did not comply with bid requirements |
| 2. No. Tonawanda Umpire Association | \$34 / game                          |

I therefore respectfully request that the Common Council award the attached agreement between North Tonawanda Umpires Association and the City of North Tonawanda for the provision of softball umpires for adult softball leagues conducted by the City at their low bid amount of \$34 / game.

The new agreement will be for one year with an option to renew for two additional years pending agreement of both parties.

I have requested the City Attorney to review and approve this agreement.

Therefore, I request that Your Honorable Body authorize the Mayor to execute this agreement on behalf of the City.

Respectfully submitted,  
Patricia A. Brosius  
Director of Youth, Recreation & Parks

**MOVED by Alderman Braun**

**SECONDED by Alderman Pecoraro**

That the Common Council hereby awards the attached agreement between North Tonawanda Umpires Association and the City of North Tonawanda for the provision of softball umpires for adult softball leagues conducted by the City at their low bid amount of \$34/game, for one year with an option to renew for two additional years pending agreement of both parties. Subject to further review by the City Attorney.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo

(5)

Nays: None

(0)

**CARRIED.**

**XIV.2 Youth Recreation & Parks**

April 11, 2016

Honorable Mayor Pappas &  
Common Council Members  
City Hall, 216 Payne Avenue  
North Tonawanda, New York 14120

**Re: Additional Lease Agreement for Golf Carts**

Dear Honorable Body:

In 2012, Bids were received for electric golf carts with the winner of the bid going to Nuttall Golf Cars, Inc. Due to increased demand for golf cart rentals during May, June, July and August additional golf carts are required. We have received the attached lease agreement from Nuttall Golf Cars, Inc. at cost of \$3,450 per month for gas powered carts. This agreement will be for 2016 and 2017.



I therefore respectfully request that the Common Council award the additional 2-year Golf Car Lease to Nuttall Golf Cars, Inc., 5543 Route 14, Sodus, New York 14551, at their low bid amount of \$3,450/month; authorizing the Mayor to sign said contract subject to review by the City Attorney.

Respectfully submitted,  
Patricia A. Brosius  
Director of Youth, Recreation & Parks

**MOVED by Alderman Pecoraro                      SECONDED by Alderman Braun**  
That the Common Council hereby awards the additional 2-year Golf Car Lease to Nuttall Golf Cars, Inc., 5543 Route 14, Sodus, New York 14551, at their low bid amount of \$3,450/month; authorizing the Mayor to sign said contract subject to review by the City Attorney.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)

Nays: None (0)

**CARRIED.**

#### **XIX. Building Inspector**

April 11, 2016

Honorable Mayor Pappas &  
Common Council Members  
City Hall, 216 Payne Avenue  
North Tonawanda, New York 14120

**Re: Weed Cutting Contract**

Attached please find copies of three proposals received by this department for brush, weed cutting and cleanup of private property for the 2016 season.

We sent out twelve requests for bids to local landscaping contractors. We received a total of three bids, copies included, one of which, Complete Lawn Care & Fencing, is unsigned.

After opening said bids in the presence of the City Clerk and a review of same, I recommend that the 2016 weed contract be awarded to the lowest responsible bidder, Bonsai Landscaping.

If you have any questions or need additional information, please let me know.

Cosimo R. Capozzi  
Building Inspector

**MOVED by Alderman Schwandt                      SECONDED by Alderman Braun**  
That the Common Council hereby grants the bid for the Weed Cutting Contract for the 2016 Season to the lowest responsible bidder, Bonsai Landscaping, 3589 Curtis Avenue, Ransomville, NY 14131 subject to further review by the City Attorney.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)

Nays: None (0)

**CARRIED.**

#### **XXV. Monthly Reports**

**.1 Clerk-Treasurer    .2 Senior Citizen Center    .3 Youth Center**

**MOVED by Alderman Zadzilka                      SECONDED by Alderman Pecoraro**  
That the Common Council hereby, approves the aforementioned Monthly Reports.  
**CARRIED.**



## COMMUNICATIONS FROM OTHERS

A.

Tonawanda's United Veterans Council

March 22, 2016

Honorable Mayor Pappas &  
Common Council Members  
City Hall, 216 Payne Avenue  
North Tonawanda, New York 14120

North Tonawanda Common Council,

The annual Memorial Day Observance is scheduled for Sunday May 29, 2016. Our service is at 12:00PM on the Renaissance Bridge, we would request that the bridge on the North Tonawanda side be closed to traffic at 11:30AM and reopen at 12:30PM. This same request was also made to the Tonawanda Common Council. We would also like to invite all city officials to the service. Thank you for your consideration on this matter.

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

MOVED by Alderman Braun

SECONDED by Alderman Pecoraro

That the Common Council hereby approves the closing of the Renaissance Bridge on Sunday May 29, 2016 from 11:30AM to 12:30PM for the annual Memorial Day Observance Service by the Tonawanda's United Veterans Council.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo

(5)

Nays: None

(0)

CARRIED.

B.

Joseph Sikora

April 8, 2016

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

Mayor Pappas:

I would like to thank you for my appointment to the position of Fire Chief for the City of North Tonawanda.

At this time I am requesting a leave of absence from my previous position, Assistant Chief, until such time that my new position becomes permanent.

Thank you for your consideration on this matter and I look forward to working with you and serving the residents of North Tonawanda.

Respectfully,  
Joseph D. Sikora  
Fire Chief

MOVED by Alderman Schwandt

SECONDED by Alderman Zadzilka

That the Common Council hereby grants a leave of absence to Joseph Sikora from his position of Assistant Fire Chief till his new position of Fire Chief becomes permanent.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo

(5)

Nays: None

(0)

CARRIED.

000098



C.  
Pist’N Broke Cruisers Car Club

March 8, 2016

Honorable Mayor Pappas &  
Common Council Members  
City Hall, 216 Payne Avenue  
North Tonawanda, New York 14120

City of North Tonawanda Common Council,

On behalf of Canalside Creamery and Pist’N Broke Cruisers Car Club, we would like to thank you for allowing a conversation regarding this year’s Monday Night Webster Street Classic Car Cruise. In the light of these discussions, may we offer a concession to reduce the time frame for the cruise from our original request, to May 30, 2016 (Memorial Day) to September 5, 2016 (Labor Day). We would continue to request to have the Cruise every Monday Night from 6PM – 9PM each week during this time, with the exception of Canal Fest Week. Though a reduced time frame, we are confident we can have a very successful cruise with your continued support along with that of the Police Department and the Department of Public Works. Of course, our success continues with the support of our sponsors, the Webster Street merchants and all those attending and anticipating this year’s Monday Night Webster Street Classic Car Cruise.

Respectfully,  
Dorothea Dunatov  
Canalside Creamery

MOVED by Alderman Braun                      SECONDED by Alderman Zadzilka  
That the Common Council hereby grants the Pist’N Broke Cruisers Car Club to hold their Monday Night Webster Street Classic Car Cruise starting May 30, 2016 to September 5, 2016 from 6PM to 9PM with the exception of Canal Fest Week. The Council also approves an economic impact study for next summer to be conducted by Lumber City Development, and also directs the DPW and Police Department to help with needed assistance.  
Ayes: Zadzilka, Braun, Pecoraro, Rizzo (4)  
Nays: None (0)  
Abstained: Schwandt (1)  
CARRIED.

D.  
Greg Doel

January 30, 2016

Honorable Mayor Pappas &  
Common Council Members  
City Hall, 216 Payne Avenue  
North Tonawanda, New York 14120

Re: Upcoming Summer Concert Series

Dear Mr. Quinn,

We are proposing to bring free concerts back to Downtown North Tonawanda, for the 5<sup>th</sup> year. Our goal is to offer the same great National Tribute Acts, for (6) free shows this summer. These would be Saturday night performances. The potential schedule would be the following:

June 25	Rocket Queens	A Female GUNS N’ROSES Tribute Act
July 2	Nerds Gone Wild	An 80’s Party Band
July 9	Poison Whiskey	A Lynryd Skynyrd Tribute Act
July 16	Who Are You	A Who Tribute Act
July 30	Highway 2 Hell	An AC/DC Tribute Act
August 6	Never Stop Believin’	A Journey Tribute Act



All main acts listed are tentatively scheduled. This line up could change, but not expected. We would showcase a high end local act to open up the shows, and follow with the main act. The first act would begin around 6PM, with the main act beginning at 8PM. Shows would be completed by 11PM. We plan on using the same "Campus" as the previous years. Security details would remain the same, as well as site layout and restroom facilities.

Needed from the city: Closure of the 1<sup>st</sup> block of Webster Street, as well as the Renaissance Bridge, beginning at 5PM on show days.

NO PARKING signs put up on show days for the block

Use of the Gateway Harbor garbage totes for show days.

Sincerely,  
Greg Doel

**MOVED by Alderman Zadzilka                      SECONDED by Alderman Braun**  
That the Common Council hereby grants permission to Greg Doel to hold the Weekends on Webster Concert Series every Saturday starting June 25, 2016 to August 6, 2016 with the exception of Canal Fest Week from 6PM to 11PM. The Council also approves an economic impact study for next summer to be conducted by Lumber City Development, and also directs the DPW and Police Department to help with following:

- Closure of the 1<sup>st</sup> block of Webster Street, as well as the Bridge, beginning at 5PM on show days.
- NO PARKING signs put up on show days for the block
- Use of the Gateway Harbor garbage totes for show days.

Ayes: Zadzilka, Braun, Pecoraro, Rizzo (4)  
Nays: None (0)  
Abstained: Schwandt (1)  
**CARRIED.**

E.  
Hogs and Heroes Foundation, Inc.

March 9, 2016

Honorable Mayor Pappas &  
Common Council Members  
City Hall, 216 Payne Avenue  
North Tonawanda, New York 14120

Dear Common Council:

The Hogs and Heroes Foundation, Inc.- New York Chapter One is having a fundraiser on May 21, 2016 at Gratwick Hose Fire Company #6 on Ward Road. This event is to raise funds to support local veterans, military and public safety personnel as well as their families. As we are a rolling Foundation, the event's main function is a motorcycle dice run and motorcade, however we also have a craft fair, basket auction, car and bike show and things for the kids to do while the dice run is happening.

We would like permits to be granted so we may put marquis signs at the corner of Ward and River Road as well as Ward and 429. These signs would be placed in these locations two weeks before the event (May 7, 2016), however if there is a significant cost for two weeks as opposed to one then we will only need the permit for one week.

I have included a copy of our flyer for the event for your reference. If there is anything else you need for consideration please contact me.

Sincerely,  
Helene A. Smith  
Secretary



**MOVED by Alderman Braun**

**SECONDED by Alderman Zadzilka**

That the Common Council hereby grants permission to The Hogs and Heroes Foundation, Inc. to place marquis signs at the corner of Ward and River Road as well as Ward and Route 429 to advertise their Roaring to the Falls event May 21, 2016

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo

(5)

Nays: None

(0)

**CARRIED.**

**F.**

**Jack Michel**

**April 14, 2016**

**Honorable Mayor Pappas &**

**Common Council Members**

**City Hall, 216 Payne Avenue**

**North Tonawanda, New York 14120**

**Dear Common Council:**

The forth "Come Fly a Kite to Help Homeless Veterans" event is in the planning stages with an expected date to be Saturday May 21, 2016 from 12PM to 4PM. We would again like to request the soccer field at Gratwick Waterfront Park for this date. We will need all the area south of the shelter for our fundraiser. We also request that the fee for the use of the park be waived.

We would like to ask the trash cans be distributed throughout the area of the event to help keep litter to a minimum. We will need the storage shed open so we can plug in extension cords for electric service. If possible could an extra porta-potty be made available close to the event area?

We would like to have snow fence put up along River Road as a safety measure. In past years, we have not seen too many people that far out in the field but with children you just never know.

Last year there were a number of soccer nets on the field. We were able to move them off to the side OK. We don't have a great deal of time to set up all the things for the event and moving the nets is a cumbersome lengthy process. If possible could the nets be off the field that morning. Do what you can...

Again, the committee for this important event wants to thank you and the City of North Tonawanda for your continued support.

Sincerely,  
Jack Michel

**MOVED by Alderman Pecoraro**

**SECONDED by Alderman Schwandt**

That the Common Council hereby grants permission to Jack Michel to hold his annual "Come Fly a Kite to Help Homeless Veterans" event Saturday May 21, 2016 at Gratwick Park from 8AM – 5PM with the event hours of 12PM – 4PM, all park fees waived and directs the DPW and the Department of Youth Recreation and Parks to assist in the accommodations that are needed for said event.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo

(5)

Nays: None

(0)

**CARRIED.**

#### **AUDIENCE PARTICIPATION –**

**Robert DePaolo 386 Old Falls Blvd.** – Said that the Council should consider moving the Car Show to the Renaissance Bridge and close both sides of the bridge.

000101



Dave Fingerlow 32 Seventh Avenue – Stated that the Terrace Parking is wrong. Said that he had to park four houses down from his house. Said that he has a shared driveway and cannot park all the cars in the driveway. Stated that he still has not received any clarification on what the difference is between curbs and no curbs. Said it is not right and hopes that the Council will look at it again.

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**ADJOURNMENT**

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

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**Time of Adjournment: 7:10 P.M.**

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Dan Quinn", with a long horizontal flourish extending to the right.

**Daniel R. Quinn**  
**City Clerk-Treasurer**