THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, March 3, 2020
6:30 P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT ZADZILKA

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:	**President Zadzilka** **Alderman Braun, Schmigel, Pecoraro, Tylec**
Absent:	**None**
Also Present:	**Mayor Arthur G. Pappas** **City Attorney Luke Brown**

AUDIENCE PARTICIPATION - None

APPROVAL OF THE MINUTES OF THE REGULAR SESSION FEBRUARY 18, 2020

MOVED by Alderman Tylec SECONDED by Alderman Zadzilka
That the minutes of the regular session meeting held February 18, 2020 be approved as circulated and filed in the Office of the City Clerk.
Ayes: Alderman Braun, Schmigel, Pecoraro, Tylec, Zadzilka (5)
Nays: None (0)
CARRIED.

APPROVAL OF THE MINUTES OF THE SPECIAL SESSION FEBRUARY 25, 2020

MOVED by Alderman Pecoraro SECONDED by Alderman Tylec
That the minutes of the special session meeting held February 25, 2020 be approved as circulated and filed in the Office of the City Clerk.
Ayes: Alderman Braun, Schmigel, Pecoraro, Tylec, Zadzilka (5)
Nays: None (0)
CARRIED.

PROOF OF PUBLICATION PUBLISHED 2/12/2020

1) Legal Notice – Invitation for Bids for Phase I Capital Improvement Wendel Project No.2728-27 – City Clerk-Treasurer

PROOF OF PUBLICATION PUBLISHED 2/15/2020

1) Legal Notice – Invitation for Bids for Police Pursuit Vehicles – Police Chief

2) Legal Notice – Public Hearing – To discuss the Community Development #822ED912-18 grant program and CDBG activities – Community Development

PROOF OF PUBLICATION PUBLISHED 2/21/2020

1) Legal Notice – Application be accepted for the position of Assistant City Engineer – City Engineer

PROOF OF PUBLICATION PUBLISHED 2/22/2020

1) Legal Notice – Public Hearing – To discuss the City's Sanitation Program – Supt. Public Works

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

COMMUNICATIONS FROM CITY OFFICIALS

#1. Eric Zadzilka

February 27, 2020

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

Re: Letter of Support for Proposed Living Shoreline Site Enhancements At Raymond Klimek Veterans Park in North Tonawanda

To Whom it May Concern,

As discussed at our recent workshop on 2/25/2020, I am writing on behalf of the North Tonawanda Common Council, pledging our support to move forward with the process of submitting applications for funding as our body has expressed being in agreement and to vote at our next Council meeting on March 3rd 2020 to support the Buffalo Niagara Waterkeeper and their project proposal to transform, protect, and enhance an existing inlet and shoreline along The Raymond Klimek Veterans Park to a more natural and self-sustaining form by utilizing natural materials, native plants, and bioengineering techniques. This will maintain sightlines and designated public access to the water making it more inviting to the community and enhance the fishing access as well as other activities. The estimated cost of $350,000-$450,000 for said project would be funded via submitting applications for approval to the NY Power Authority Greenway Ecological Fund Grant and Niagara River Greenway Commission and no matching City funds or in kind contributions would be required for this project. Please submit this letter of support to the appropriate authorities to move forward with this process.

Thank you for your cooperation,
Eric Zadzilka
NT Common Council President

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro
That the Common Council hereby approves and supports the partnership with Buffalo Niagara Waterkeeper to proceed with an application for funding to cover costs of a proposed Living Shoreline Site Enhancements at Raymond Klimek Veterans Park.
Ayes: Alderman Braun, Schmigel, Pecoraro, Tylec, Zadzilka (5)
Nays: None (0)
CARRIED.

I. Mayor

February 25, 2020

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

Re: Appointment of City Accountant

Dear Honorable Body:

Please be advised that I am provisionally appointing Jeffrey Zellner, 537 Witmer Road, North Tonawanda, as City Accountant, effective March 9, 2020, pending results of the required Civil Service exam to be scheduled. His starting pay will be $73,923 Step 1 of the existing OPIEU salary schedule.

After two extensive interviews with Mr. Zellner, I feel he has the qualifications to do a very good job for the residents of North Tonawanda.

Please feel free to contact me should you have any further questions.

Sincerely,
Arthur G. Pappas
Mayor

MOVED by Alderman Braun SECONDED by Alderman Pecoraro
That the Common Council hereby approves of the provisional appointment of Jeffrey Zellner, 537 Witmer Road, North Tonawanda, as City Accountant, effective March 9, 2020, with a starting pay of $73,923 Step 1 of the OPIEU salary schedule.
Ayes: Alderman Braun, Schmigel, Pecoraro, Tylec, Zadzilka (5)
Nays: None (0)
CARRIED.

II. Attorney

February 25, 2020

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

Re: Cell Phone Tower Leases

Dear Honorable Body:

As you may recall, my office has been renegotiating the leases for the cell towers currently on city property. As a result of those negotiations, we have been able to successfully renegotiate the leases for the cell towers located at 830 River Road, 706 Sandra Lane and 1327 Erie Avenue. As a result of these renegotiations, the City will receive an immediate upfront payment of $825,000.00 upon signing of the attached documents while also increasing monthly lease payments from the new agreements.

Should your Honorable Body approve of the attached agreements, 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 Zadzilka SECONDED by Alderman Braun
That the Common Council hereby approves of the attached agreements for Cell Tower leases for 830 River Road, 706 Sandra Lane and 1327 Erie Avenue, and directs the Mayor to sign said leases, subject to further review by the City Attorney.
Ayes: Alderman Braun, Schmigel, Pecoraro, Tylec, Zadzilka (5)
Nays: None (0)
CARRIED.

IV. Engineer

February 24, 2020

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

Re: Main Street Green Infrastructure Improvements Project
Erdman Anthony Agreement Amendment No. 2
Construction Observation & Documentation Services

Honorable Body:

Enclosed is a proposal from Erdman Anthony to perform construction observation and document services to assist the City during the construction phase of the Main Street Green Infrastructure Project. Erdman Anthony has provided survey, mapping, design plans, specifications, estimates, and bidding services under their existing agreement.

Accordingly, I respectfully request that the Common Council approve the enclosed agreement for construction observation and document services with Erdman Anthony, 8608 Main Street, Buffalo, NY 14221; in an amount not to exceed $73,224; and authorize the Mayor to sign said agreement subject to review by the City Attorney.

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

MOVED by Alderman Tylec SECONDED by Alderman Pecoraro
That the Common Council hereby approves the enclosed agreement for construction observation and document services with Erdman Anthony, 8608 Main Street, Buffalo, NY 14221; in an amount not to exceed $73,224; and authorizes the Mayor to sign said agreement subject to review by the City Attorney.
Ayes: Alderman Braun, Schmigel, Pecoraro, Tylec, Zadzilka (5)
Nays: None (0)
CARRIED.

VII. Accountant

February 26, 2020

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 March 3, 2020 and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Regards,
Sheri Gampp
Jr. Accountant

MOVED by Alderman Braun SECONDED by Alderman Schmigel
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated March 3, 2020 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

03-03-2020

01	General Fund	$334,654.74
02	Water Fund	55,356.41
04	Sewer Fund	48,275.68
06	Capital Project Fund	48,925.00
07	Trust & Agency Fund	9,348.20
00	Final Total	$496,560.03

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

XI. Fire Chief

February 19, 2020

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

Re: Resignation of Assistant Director of Emergency Management
Joseph L. Krantz

Mayor Pappas and Common Council Members:

Please be advised that Joseph L. Krantz is resigning from his position of Assistant Director of Emergency Management, effective February 21, 2020.

I have begun a search to replace him.

Thank you,
Joseph D. Sikora
Fire Chief

MOVED by Alderman Pecoraro SECONDED by Alderman Zadzilka
That the Common Council hereby receives and files the formal letter of resignation for Joseph L. Krantz as Assistant Director of Emergency Management for the City of North Tonawanda, effective February 21, 2020.
Ayes: Alderman Braun, Schmigel, Pecoraro, Tylec, Zadzilka (5)
Nays: None (0)
CARRIED.

XVII. Traffic Safety

February 24, 2020

Matthew L. Parish
City Clerk-Treasurer
216 Payne Avenue
North Tonawanda, NY 14120

Traffic Safety Minutes:

The February 2020 meeting of the North Tonawanda Traffic Safety Committee was called to order at 1900 hours. Roll call showed the following members present: R. Frank, J. Sikora, M. Daigler, M. Meisenburg, M. Lemke, A. DiBernardo, M. Ananstasi. The minutes from the previous meeting were read and accepted, the following new concerns/requests were discussed, and recommendations made.

1. Member Mark Daigler was advised by the Mayor's Office to look into a parking problem on Webster Street between Sweeney Street and Goundry Street. There are "30 minute" parking signs located on the south west side of the street in front of the

local businesses. The problem is that vehicles are parking there for more than 30 minutes which is affecting the businesses.

Recommendations came from City Officials, Police Department, Fire Department and DPW. After the recommendations, member Daigler placed "Vehicles will be Towed" and "Police Enforcement" on the signs to help deter vehicles from parking more than 30 minutes in those spots. The Police Department will be monitoring the parking problem.

Meeting adjourned at 2000 hours.

Travel safely,
Robert J. Frank

MOVED by Alderman Pecoraro SECONDED by Alderman Braun
That the Common Council hereby receives and files the Traffic Safety minutes from their February meeting.
Ayes: Alderman Braun, Schmigel, Pecoraro, Tylec, Zadzilka (5)
Nays: None (0)
CARRIED.

COMMUNICATIONS FROM OTHERS

A.
Mr. Arthur G. Pappas, Mayor
City of North Tonawanda
216 Payne Avenue
North Tonawanda, NY 14120

Re: Carnegie Arts Center – NY State Liquor Permit

Dear Mayor Pappas:

On behalf of Webster's Bistro and the Carnegie Arts Center (CAC), can you please provide me with a letter from the City of North Tonawanda to the New York State Liquor Authority, indicating that the city, who owns the Carnegie Arts Center, would allow an unlimited number of temporary beer and wine permits granted per year to the Carnegie. Currently, the CAC is only permitted (4) events per year.

In the letter, it should be stated that the city does not want to, nor can it, license the premises themselves, but prefers to allow other properly licensed establishment to file for and receive the correct one-day permits from the Liquor Authority. Additionally, the limit of the number of these permits being placed by the NYS Liquor Authority is counter-productive to the growth and benefit of the city, and it is the desire of the city that the NYS Liquor Authority grant an exception to us in this matter.

Please let me know if you are able to assist us in this matter. Please call me if you have any questions at (716) 462-3825

Warm regards,
Barbara Hughes
Owner

MOVED by Alderman Pecoraro SECONDED by Alderman Tylec
That the Common Council hereby grants permission for the City Attorney to write a letter to the NYS Liquor Authority allowing the Carnegie Arts Center, an unlimited number of temporary beer and wine permits.
Ayes: Alderman Braun, Schmigel, Pecoraro, Tylec, Zadzilka (5)
Nays: None (0)
CARRIED.

B.
David Braun

February 21, 2020

North Tonawanda Common Council
216 Payne Ave.
North Tonawanda, NY 14120

This communication is in reference to our 2018/2019 School Tax Bill. On September 6, 2018 we paid off our Mortgage on our residence @ 1521 Jamaica Sq., North Tonawanda, NY. The mortgage company – "Mr. Cooper" processed our pay off on said property, sent us the left over Escrow money on October 6, 2018. Which was then deposited at our bank to pay upcoming taxes. This was our first time paying County, City & School tax bill on our own.

We received our County tax bill in February 2019, paid it on February 28, 2019 at City Hall. Then in April 2019 we received our N. Tonawanda City tax bill and paid it on April 28, 2019 at City Hall. Then in September, 2019 we received our 2019/2020 School tax bill and paid it at City Hall on October 1, 2019. In a letter dated November 15, 2019 from City Clerk-Treasurer Matthew Parish, we were informed that our School taxes from 2018/2019 were not paid. 2018 School bill #1858 Principal $2492.80 interest $550.76 ($524.07 on 12/2/19 day I paid) Total 12/2/19 $3,016.87 (ck#3150).

In between receiving the letter – 11/15/19 and the day I paid the 2018/2019 school tax bill, I had (2) meetings with Mr. Parish to discuss this issue (as explained in 1st paragraph) of this letter. I explained that in February 2019 I came in and paid the County tax bill at City Hall. Then in April 2019 came in again to City Hall to pay City taxes. Then in October 1, 2019 came in and paid my 2019/2020 School tax bill. As you can see here I have made every attempt to pay my tax bills. You can check our paying history with our water/sewer bills that we pay on time.

When I met with Mr. Parish, one of the women in his office stated to us that when people come in to pay tax bills that if there are back taxes owed they try and mention it. I responded that, that wasn't the case here or I would have paid it. She pointed out to me that there is a notation on the tax bill if back taxes are owed to see reverse side of bill. The notation **Prior Taxes Due** is small print below "Total Taxes Due" is only in the North Tonawanda City Tax bill. Another notation is on the same page (middle left marked) in even smaller letters. For citizens whom have never paid the tax bills will see the box "Total Taxes Due" and pay it and not even notice the small print "prior taxes due", notation. Copies of bills are attached with this letter.

I feel that I have a legitimate complaint with this type of notification that the City uses for any back taxes owed. Why is it not spelled out clearer on the City tax bill, so people can realize that might be in arrears? My biggest complaint on this is how I can get a School tax bill 2019/2020 without any notation what so ever, that I owed $2492.80 for 2018/2019 School taxes? If you were not to pay your monthly credit card bill, it would be listed on the next bill as being in arrears and have a penalty included. On the School tax bill 2019/2020 it's not listed anywhere about the 2018/2019 amt. owed!!

This seems like a money grab (interest & penalties) the way is done. We the citizens of North Tonawanda deserve to be treated better than this. This incident was very accidental in nature by not being notified by my mortgage company that they did not pay the School tax bill. An explainable oversight on my part. Then get penalized around 20% of my $2490.80, 2018/2019 School tax bill. This is crazy!

So I'm asking the North Tonawanda City Council to review my situation, and copies of said tax bills, and offer a fair resolution by repayment or credit to my future School tax bill of ($524.07 in interest) paid on 12/2/2019 (ck#3150) or any way deemed possible to correct this situation.

I want to thank Matthew Parish, City Attorney, Luke Brown and 3rd Ward Alderman Eric Zadzilka for speaking with me on this situation, guiding me on how to appeal this issue.

Thank you to the North Tonawanda City Council for considering my request on this matter.

Longtime N.T. Citizen,
David Braun

MOVED by Alderman Pecoraro SECONDED by Alderman Schmigel
That the Common Council hereby denies the request from David Braun for reimbursement of $524.07 in interest and penalties from his 2018/2019 School Tax Bill paid on 12/2/2019.
Ayes: Alderman Braun, Schmigel, Pecoraro, Tylec, Zadzilka (5)
Nays: None (0)
CARRIED.

LATE COMMUNICATION

MOVED by Alderman Zadzilka SECONDED by Alderman Braun
To bring the following late communication to the floor.
Ayes: Alderman Braun, Schmigel, Pecoraro, Tylec, Zadzilka (5)
Nays: None (0)
CARRIED.

#1.
Police Chief

March 3, 2020

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

Honorable Body:

Bids for the Police Vehicles were received and opened in the Common Council Chambers on February 26th 2020 by Matthew Parish, City Clerk-Treasurer.

The following bids were received in response to NTPD 02/2020 bid specs for Police Pursuit Vehicles.

- Delancy Ford 3061 Transit Road Elma, NY 14059
  *Rejected: NTPD will not be purchasing due to price and availability

- Tristar Motors 930 Route 22 West Blairville, PA 15717

After review of the bids, Tristar Motors met all the requirements and provided the best price and availability. We request the bid for the Ford Explorer (Police Pursuit Vehicle) be awarded to Tristar Motors.

Thank you,
Roger Zgolak
Chief of Police

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro
That the Common Council hereby awards the bid for the Police Pursuit Vehicles to Tristar Motors, 930 Route 22, West Blairville, PA 15717, subject to review by the City Attorney.
Ayes: Alderman Braun, Schmigel, Pecoraro, Tylec, Zadzilka (5)
Nays: None (0)
CARRIED.

AUDIENCE PARTICIPATION

Cosimo Capozzi 180 Sweeney Street – Said he was under the impression that the Council was going to make a motion regarding First Light Application for a Cell Communication Facility at 781 Erie Avenue, to make a motion to send to the planning board for review or is the Council going to take lead and make the decision on its own?

Athena Tucker Pasiak 77 DiMatteo Drive – She asked the Council on behalf of her brother, William Boker Jr., whom is a US Marine who just got back from a tough deployment to sign a Thank You card for him.

Jeffrey R. Zellner 537 Witmer Road – Wanted to thank the City for his employment.

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: 7:04 P.M.

Respectfully submitted,

Matthew L. Parish
City Clerk-Treasurer