THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, May 19, 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 MAY 5, 2020

MOVED by Alderman Pecoraro SECONDED by Alderman Tylec
That the minutes of the regular session meeting held May 5, 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 5/1/2020

1) Legal Notice – Completion of the City of North Tonawanda's 2020 Tentative Assessment Roll – City Assessor

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

COMMUNICATIONS FROM CITY OFFICIALS

IV. Engineer

May 11, 2020

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

Honorable Body:

The City of North Tonawanda, in partnership with Western New York Stormwater Coalition, would like to invite the public to review and comment on its draft 2019 Annual Stormwater Report in an effort to increase public awareness and encourage involvement with stormwater pollution prevention.

The Western New York Stormwater Coalition is a group consisting of representatives from Erie County, Niagara County, thirty nine regulated municipalities and environmental consultants. The members meet on a bi-monthly basis to collaborate on shared projects that support their stormwater management programs.

The draft annual report highlights the best management practices that the City of North Tonawanda has implemented in its efforts to prevent pollutants from entering municipal storm sewer systems and local waterways. The draft annual report is available for review and comment at the City Engineer's Office, Room 9 on the second floor, City Hall, 216 Payne Avenue. A copy of the report is also available online at www.northtonawanda.org under the Stormwater Management Program heading. For more information, contact Chelsea L. Spahr, P.E. at (716) 695-8565.

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

MOVED by Alderman Pecoraro SECONDED by Alderman Zadzilka
That the Common Council hereby receives and files the 2019 Draft Annual Stormwater Report from the City Engineer.
Ayes: Alderman Braun, Schmigel, Pecoraro, Tylec, Zadzilka (5)
Nays: None (0)
CARRIED.

VII. Accountant

May 13, 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 May 19, 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 Tylec SECONDED by Alderman Pecoraro
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated May 19, 2020, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	$617,510.68
02	Water Fund	38,041.77
04	Sewer Fund	81,419.12
06	Capital Project Fund	8,194.91
07	Trust & Agency Fund	12,387.87
86	CD – HOME Program	36.50

87	CD – Imprest	4,270.00
00	Final Total	$761,860.85

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

XI. Fire Chief

May 14, 2020

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

Dear Honorable Body:

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 promotion:

Firefighter, Matthew S. Smolinski, 1358 Sherwood Avenue, North Tonawanda
Is promoted to Captain in the City of North Tonawanda Fire Department.

Matthew was selected from a list provided by the Niagara County Civil Service Commission and is a 19 year veteran of the Fire Department. I feel confident he is well qualified for this promotion and will do a great job.

Sincerely,
Joseph D. Sikora
Fire Chief

MOVED by Alderman Braun SECONDED by Alderman Tylec
That the Common Council hereby approves the promotion of Firefighter Matthew S. Smolinski, 1358 Sherwood Avenue, North Tonawanda, to Captain for the City of North Tonawanda Fire Department, effective May 29, 2020.
Ayes: Alderman Braun, Schmigel, Pecoraro, Tylec, Zadzilka (5)
Nays: None (0)
CARRIED.

XXV. Monthly Reports

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

MOVED by Alderman Pecoraro SECONDED by Alderman Braun
That the Common Council hereby receives and files the aforementioned Monthly Reports.
Ayes: Alderman Braun, Schmigel, Pecoraro, Tylec, Zadzilka (5)
Nays: None (0)
CARRIED.

COMMUNICATIONS FROM OTHERS

A.
Columbia Hook & Ladder Co.

May 7, 2020

Honorable Mayor Arthur Pappas
c/o City Clerk's Office
City Hall, 216 Payne Avenue
North Tonawanda, NY 14120

Re: Volunteer Firefighter Exemptions

Dear Council and Mayor:

The members of Columbia Hook & Ladder Co. No.1 respectfully request these two volunteer firefighters be granted 50- Year Exemption and that the 50-Year Certificates be prepared:

David L. Evans
Richard A. Ostrozinski

Both joined Columbia Hook & Ladder Co. No.1, of the North Tonawanda Volunteer Fire Department on May 6, 1970.

Sincerely,
Christopher M. Wildey
President

MOVED by Alderman Zadzilka SECONDED by Alderman Schmigel
That the Common Council hereby grants Exemption Petitions for 50-Years of service as a Volunteer Firefighter with the North Tonawanda Fire Department to David L. Evans and Richard A. Ostrozinski.
Ayes: Alderman Braun, Schmigel, Pecoraro, Tylec, Zadzilka (5)
Nays: None (0)
CARRIED.

B.
Sweeney Hose Co.

May 11, 2020

North Tonawanda City Hall
Attn: Matthew Parish – NT City Clerk
216 Payne Avenue
North Tonawanda, NY 14120

Dear Mr. Parish and Honorable Council,

The following individuals are no longer members of Sweeney Hose Company #7 as of the company meetings on January 6, 2020 and February 3, 2020. Please update the official roster kept with the City of North Tonawanda records.

Robert Clontz, Bob Fleischaurer, Philip Jaques, Miranda Cirrito, Stephanie Cirrito, Brett Sommer, Michael Zellner, Stephen Musielak and Sean Fisher

Regards,
Raymond Dworzanski
Secretary-Sweeney Hose Company

MOVED by Alderman Tylec SECONDED by Alderman Braun
That the Common Council hereby approves of the removal of the following names from the North Tonawanda Fire Department Roll:

Robert Clontz, Bob Fleischaurer, Philip Jaques, Miranda Cirrito, Stephanie Cirrito, Brett Sommer, Michael Zellner, Stephen Musielak and Sean Fisher

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

C.
Bruce Biltekoff

March 31, 2020

Matthew Parish
North Tonawanda Common Council
City Hall, 216 Payne Avenue
North Tonawanda, NY 14120

Re: 229 Sommer Street, North Tonawanda, NY 14120

To whom it may concern:

I have been asked by the water department, including the supervisor, to petition the Common Council to reduce or dismiss the current bill of approximately $22,700 for 229 Sommer Street, North Tonawanda. My name is Bruce Biltekoff and I am a real estate broker and property manager who represents the current owner of the property. In order to make the case easier to understand, I will outline a series of facts and events:

1. This property is now a foreclosure and owned by Hudson Homes Management, LLC.

2. On 2/13/20, I was instructed by Hudson Homes to do an occupancy check on the property. At that time, I met the current resident, Gery Sherk. He is very old, weak, frail, and disoriented. He greeted me at the door with a shaky voice.."I…I…I'm afraid." He could barely talk or spell his name. He said he hadn't taken a shower or had hot water in 2 years. He was wearing old worn shoes and his feet were covered in scabs. He said he had no money and wanted to borrow a few dollars for some Pepsi.

3. Often times, when there is an occupant in a foreclosed home, I am able to negotiate a cash-for-keys settlement to help with relocation expenses. That requires leaving the house empty and clean. Gery was obviously incapable of either packing his belongings or making any type of relocation arrangements. Eviction clearly seemed an unacceptable option. Where would he go? He would simply be a homeless, old man at the mercy of the elements.

4. My job requires that I take pictures at each inspection and since I was now inside, I was able to photograph the interior of the house. The house was filled with possessions, but the overall environment did not seem exceptionally unhealthy.

5. However, when I went into the basement, I heard running water. It was coming out from a hole near the bottom of a basement wall and going almost directly into a floor drain. I asked Gery how long this had been going on. He said "A…a…long time."

6. Soon after leaving the house, I made arrangements for a leak to be repaired and contacted senior Social Services for assistance. The plumbers came and fixed the leak and I make contact with Cle Patterson (439-7727) from social services. Since that date, Cle has met with Gery and intervened in the eviction proceedings.

7. Once the leak had been stopped, I took a meter reading and called the NT water department to find out the current and past water bill. I was shocked by the amount-over $22,000 – and disappointed by the reaction of the department representatives. I explained the situation and questioned what steps had been taken to question such an outrageous water bill. The answers were blunt and unsympathetic. "Well…we called." (Gery doesn't answer his phone) "And we wrote a letter." (Gery doesn't gather or read his mail.) I asked, "With a $22,000 water bill on a small 2 bedroom, 1136 sq. ft. home, don't you think this should have re-flagged and someone sent to check it out? The answer - "We don't do that. And as far as the new owner, he will have to pay the bill."

8. Sensing a problem and looking for help, I called the mayor's office and talked to Dan Divirgilio (695-8500, ext 540). I asked if the mayor could possibly help and suggested that perhaps it was best to handle this quietly so it wouldn't become public. He listened, didn't do anything, and didn't return my phone call a week or two later.

9. **On the other hand, the water department supervisor, William Davignon (695-8560) was warm, sympathetic and helpful. I appreciated that he was patient and accessible. He explained that petitioning the Common Council was the only path in this situation and that's why I'm writing this petition.**

10. **I have attached copies of the water billing summaries that I have. On one invoice, we are at $21,435.15. However, the total of 2 other invoices sent by the water department total $22,699.71 (please see attached). Of course, these statements may not include the most current bill and ongoing interest charges. I'm hoping that all or most of this bill will be forgiven. Surely, I understand that water is one of our most precious resources, but fortunately, its water and most of it can be recycled. This bill is not for a house or a car or some material item that was purchased. There was no intention here to steal resources. It's just a story of a frail, incompetent, disoriented old man with a broken water pipe.**

So…with that said, I am hoping the Common Council votes favorable on this petition to reduce or forgive the water bill on 229 Sommer Street. Please contact me with the results of your action. Thank you for our understanding in this matter.

Bruce Biltekoff

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro
That the Common Council hereby denies the request from Bruce Biltekoff for reimbursement of the water and sewer bill for 229 Sommer Street in the amount of $22,699.71.
Ayes: Alderman Braun, Schmigel, Pecoraro, Tylec, Zadzilka (5)
Nays: None (0)
CARRIED.

AUDIENCE PARTICIPATION - None

ADJOURNMENT

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

Time of Adjournment: 7:07 P.M.

Respectfully submitted,

Matthew L. Parish
City Clerk-Treasurer