

**THE HONORABLE BODY**  
**Council Chambers**  
**Municipal Building**  
**North Tonawanda, New York 14120**  
**Tuesday, November 17, 2020**  
**6:30 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 Schmigel, DiBernardo, Pecoraro, Tylec**

**Absent: None**

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

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**AUDIENCE PARTICIPATION** – None

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**APPROVAL OF THE MINUTES OF THE REGULAR SESSION NOVEMBER 2, 2020**

**MOVED by Alderman Zadzilka                  SECONDED by Alderman DiBernardo**  
**That the minutes of the regular session meeting held November 2, 2020 be approved as**  
**circulated and filed in the Office of the City Clerk.**  
**Ayes: Alderman Schmigel, DiBernardo, Pecoraro, Tylec, Zadzilka                                  (5)**  
**Nays: None    (0)**  
**CARRIED.**

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**APPROVAL OF THE MINUTES OF THE SPECIAL SESSION NOVEMBER 12, 2020**

**MOVED by Alderman Pecoraro                  SECONDED by Alderman Schmigel**  
**That the minutes of the special session meeting held November 12, 2020 be approved as**  
**circulated and filed in the Office of the City Clerk.**  
**Ayes: Alderman Schmigel, DiBernardo, Pecoraro, Tylec, Zadzilka                                  (5)**  
**Nays: None    (0)**  
**CARRIED.**

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**COMMUNICATIONS FROM CITY OFFICIALS**

**III.1 Clerk-Treasurer**

**November 2, 2020**

**Honorable Mayor**  
**And Common Council Members**  
**216 Payne Avenue, City Hall**  
**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:

182.61-1-65	12 Second Avenue	Mark Kanouff
182.61-3-1	1 Second Avenue	Mark Kanouff

Therefore, please pass the necessary resolution withdrawing these parcels from the appropriate In Rem foreclosure proceeding.

Thank you for your cooperation.

Very truly yours,  
Denise Proefrock  
Assistant City Treasurer

**MOVED by Alderman Tylec                      SECONDED by Alderman DiBernardo**  
That the Common Council hereby approves the removal of the following parcels:

182.61-1-65	12 Second Avenue	Mark Kanouff
182.61-3-1	1 Second Avenue	Mark Kanouff

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 Schmigel, DiBernardo, Pecoraro, Tylec, Zadzilka (5)  
**Nays:** None (0)  
**CARRIED.**

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### III.2 Clerk-Treasurer

November 9, 2020

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

Re: East Hill Foundation Grants – 2021

Dear Honorable Body:

We have been advised that the grants for the 2021 year have been approved by the East Hill Foundation for area non-profit organizations, as required under their PILOT agreement with the City of North Tonawanda. As you know, the grants must total \$50,000, per the agreement dated July 1, 2012. These payments represent year 9 (January 1, 2021 to December 31, 2021) pursuant to Section 3 of the Agreement. The 2021 grants and recipients are attached for your information.

Should you have any questions, please do not hesitate to contact me.

Sincerely,  
Donna L. Braun  
City Clerk-Treasurer

**MOVED by Alderman Zadzilka                      SECONDED by Alderman Schmigel**  
That the Common Council hereby receives and files the aforementioned communication from East Hill Foundation, subject to review by the City Attorney.  
**Ayes:** Alderman Schmigel, DiBernardo, Pecoraro, Tylec, Zadzilka (5)  
**Nays:** None (0)  
**CARRIED.**

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III.3 Clerk-Treasurer

November 12, 2020

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

Re: 2021 Agreement between the City of North Tonawanda and NiaCAP

Dear Mayor and Common Council:

I am asking that the Council approve this agreement between the City of North Tonawanda and Niagara Community Action Program for the amount of \$3,000.00 contingent upon City Attorneys approval. Once approved the Mayor will be able to sign the contact.

Niagara Community Action Program has provided emergency services to the needy and disadvantaged persons within Niagara County for many years and this amount will help them in providing these services.

Regards,  
Donna L. Braun  
City Clerk-Treasurer

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 November 17, 2020 the following resolution was passed:

AGREEMENT

**THIS AGREEMENT**, made this 17<sup>th</sup> day of November, 2020, by and between the **CITY OF NORTH TONAWANDA**, a municipal corporation of the State of New York having its offices at 216 Payne Avenue, North Tonawanda, New York 14120, herein called the "City" and **NIAGARA COMMUNITY ACTION PROGRAM, INC.**, a not-for-profit corporation of the State of New York having its office at 1521 Main Street, Niagara Falls, New York, herein called "Niagara CAP" **WITNESSETH:**

**WHEREAS**, Niagara CAP has as one of its principal functions and purposes of providing emergency services to the needy and disadvantaged persons within Niagara County through use of funding grants and subsidies from federal, state, and municipal governments and agencies, and

**WHEREAS**, the City desires to contribute to and participate in the funding of Niagara CAP for such purposes in return for Niagara CAP's promise of emergency services to the residents of the City, and

**WHEREAS**, both parties jointly desire and intend to cooperate toward providing such services for the benefit of the City's residents under this agreement, and

**WHEREAS**, the execution of this agreement has been duly approved by resolutions adopted by the City Council and the Board of Directors of Niagara CAP,

**NOW, THEREFORE**, in consideration of the above, both parties mutually agree as follows:

1. The City of North Tonawanda shall allocate and pay over to Niagara CAP the sum of Three Thousand Dollars (\$3,000.00) within thirty (30) days of the signed agreement.



V.1 Supt. Water/Wastewater

October 29, 2020

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

**Re: Approval of various Payment Applications for Water Filtration Plant Backup Generator Project**

Honorable Body:

I respectfully request that you approve the following Pay Applications for work performed under the Water Filtration Plant Backup Generator contracts. This work has been reviewed and approved by myself and Nussbaumer & Clark Engineering.

1. STC Construction 1/13/2020 pay app #1	\$102,674.50
2. Goodwin Electric 6/8/2020 pay app #3	\$20,425.00
3. STC Construction 7/20/2020 pay app #2	\$51,348.45
4. Goodwin Electric 7/8/2020 pay app #4	\$141,075.00
5. STC Construction 8/12/2020 pay app #3	\$53,057.50
6. Goodwin Electric 9/2/2020 pay app #5	\$28,025.00
7. STC Construction 9/14/2020 pay app #4	\$111,496.94
8. STC Construction 10/7/2020 pay app #5	\$33,878.14

Your approval of these Pay Applications will allow us to get reimbursed from our NY State Environmental Finance Center WIIA Grant.

Rotella Grant Management will submit this request to the EFC on the City's behalf. Thank you for your time and consideration of my request.

Sincerely,  
William M. Davignon  
Supt. Water/Wastewater

**MOVED by Alderman Pecoraro** **SECONDED by Alderman Tylec**  
That the Common Council hereby approves the following Pay Applications for work performed under the Water Filtration Plant Backup Generator contracts:

1. STC Construction 1/13/2020 pay app #1	\$102,674.50
2. Goodwin Electric 6/8/2020 pay app #3	\$20,425.00
3. STC Construction 7/20/2020 pay app #2	\$51,348.45
4. Goodwin Electric 7/8/2020 pay app #4	\$141,075.00
5. STC Construction 8/12/2020 pay app #3	\$53,057.50
6. Goodwin Electric 9/2/2020 pay app #5	\$28,025.00
7. STC Construction 9/14/2020 pay app #4	\$111,496.94
8. STC Construction 10/7/2020 pay app #5	\$33,878.14

Council also gives permission to Rotella Grant Management to submit this request to the NY State Environmental Finance Center ("EFC") on the City's behalf, subject to review by the City Attorney.

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

**V.2 Supt. Water/Wastewater**

**November 5, 2020**

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

**Re: Wastewater Treatment Plant CIP phase #1 – Approval of Wendel Change Order No.1 – SCADA Replacement & Upgrade (Contract #2020-01-E)**

**Dear Honorable Body:**

**Approval of Wendel Change Order No.1 of the North Tonawanda Wastewater Treatment Plant CIP Phase #1 is hereby requested. The change order represents the following additional work:**

- **Replacement & Upgrade of the Supervisory Control and Data Acquisition (SCADA) system.**

**TOTAL \$279,541.00**

**The extremely favorable bid of the project allows the city to include this additional item in the project.**

**Accordingly, I respectfully request that the Common Council approve the change order in the amount of \$279,541.00 for the WWTP CIP Phase #1 project with the Frey Electric, 100 Pearce Ave., Tonawanda, NY 14150; increasing the contract amount from \$1,118,000.00 to the new contract amount of \$1,397,541.00; authorizing the Mayor to sign and change order subject to review by the City Attorney.**

**Very truly yours,  
William Davignon  
Supt. Water/Wastewater**

**MOVED by Alderman Pecoraro      SECONDED by Alderman Tylec  
That the Common Council hereby approves Wendel change order No.1 in the amount of \$279,541.00 for the WWTP CIP Phase #1 project with the Frey Electric, 100 Pearce Ave., Tonawanda, NY 14150; increasing the contract amount from \$1,118,000.00 to the new contract amount of \$1,397,541.00; and authorizes the Mayor to sign said change order, subject to review by the City Attorney.**

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

**VII.1 Accountant**

**November 12, 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.**

**11-17-2020**

Accordingly, please authorize for payment the current Warrant of Claims for Common Council audit, dated November 17, 2020 and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Regards,  
Jeffrey R. Zellner  
City Accountant

**MOVED** by Alderman Zadzilka      **SECONDED** by Alderman Schmigel  
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated November 17, 2020, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$700,248.00
02	Water Fund	38,040.84
04	Sewer Fund	72,402.26
06	Capital Project Fund	355,775.00
07	Trust & Agency Fund	5,072.52
86	CD – HOME Program	<u>36.50</u>
00	Final Total	<u>\$1,171,575.12</u>

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

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#### VII.2 Accountant

November 12, 2020

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

**Re: MOA Between the North Tonawanda Professional Firefighters IAFF Local 1333  
And the City of North Tonawanda, NY 14120**

Dear Honorable Body:

Attached hereto is a proposed Memorandum of Agreement (“MOA”) between the North Tonawanda Professional Firefighters IAFF Local 1333 (“IAFF Local 1333”) and the City of North Tonawanda (“City”) regarding changes to Section 12.4 of the current IAFF Local 1333 contract. This change in medical waiver results in substantial savings to the City.

Consider the above, I am requesting that the Common Council pass a resolution approving the MOA for the Mayor’s signature.

Warm regards,  
Jeffrey R. Zellner  
City Accountant

**MOVED** by Alderman Zadzilka      **SECONDED** by Alderman Pecoraro  
That the Common Council hereby approves the aforementioned agreement between the North Tonawanda Professional Firefighters IAFF Local 1333 and the City of North Tonawanda, subject to review by the City Attorney.

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

### IX.1 Supt. Public Works

October 28, 2020

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

Dear Honorable Body:

The Department of Public Works sent out for written quotations for Solid Waste Disposal Services pursuant to City purchasing guidelines. On Friday, September 18<sup>th</sup>, 2020, proposals were received back from two of the companies who put in an offer. We have reviewed the proposals and tabulated as follows:

<u>Contractor</u>	<u>Non-Collusion</u>	<u>Proposal</u>
Modern Corporation	Yes	2021 @ \$39.00 per ton
		2022 @ \$41.50 per ton
		2023 @ \$43.00 per ton
		2024 @ \$44.50 per ton
Waste Management	Yes	July 2020-June 2021 @ \$51.50 per ton
		July 2021-June 2022 @ \$53.05 per ton
		July 2022-June 2023 @ \$54.65 per ton
		July 2023-June 2024 @ \$56.29 per ton

I recommend that the Common Council award the Solid Waste Disposal Service to Modern Corporation, who supplied the lowest cost and presented a qualified quotation. This is subject to the approval of the City Attorney.

Very truly yours,  
Mark A. Zellner  
Supt. Public Works

**MOVED** by Alderman Schmigel      **SECONDED** by Alderman Tylec  
That the Common Council hereby approves the aforementioned bid for Solid Waste Disposal Services for the City of North Tonawanda from Modern Corporation, subject to review by the City Attorney.  
Ayes: Alderman Schmigel, DiBernardo, Pecoraro, Tylec, Zadzilka (5)  
Nays: None (0)  
**CARRIED.**

### IX.2 Supt. Public Works

November 12, 2020

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

Dear Honorable Body:

The Department of Public Works sent out for written quotations for Recycling Hauling and Processing Services pursuant to City purchasing guidelines.

I recommend that the Common Council award the Recycling Disposal Service to Modern corporation, who supplied the lowest cost at \$85.00 per ton. This is subject to the approval of the City Attorney.

11-17-2020



Very truly yours,  
 Mark A. Zellner  
 Supt. Public Works

**MOVED** by Alderman DiBernardo **SECONDED** by Alderman Pecoraro  
 That the Common Council hereby approves the aforementioned bid for the Recycling,  
 Hauling and Processing Service for the City of North Tonawanda, from Modern  
 Corporation, subject to review by the City Attorney. (5)  
 Ayes: Alderman Schmigel, DiBernardo, Pecoraro, Tylec, Zadzilka (0)  
 Nays: None  
**CARRIED.**

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**X. Police Chief**

November 5, 2020

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

Dear Honorable Body:

Per the Common Council approval of the creation of an additional detective position on  
 October 15, 2020, I intend on promoting Police Officer Erik Herbert to detective on  
 November 13, 2020.

Officer Herbert was selected from the certified list of eligibles established by the Niagara  
 County Civil Service Department.

Respectfully,  
 Thomas E. Krantz  
 Chief of Police

**MOVED** by Alderman Tylec **SECONDED** by Alderman DiBernardo  
 That the Common Council hereby approves the Promotion of Police Officer Erik Herbert  
 to the rank of Detective for the North Tonawanda Police Department, effective November  
 13, 2020.

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

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**XI. Fire Chief**

November 5, 2020

City Clerk-Treasurer  
 Donna Braun  
 216 Payne Avenue  
 North Tonawanda, NY 14120

Dear Donna:

Please place the following on the Council Meeting Agenda next week. I am requesting  
 approval to use 2020 budgeted funds from the Fire Department Repair and Maintenance  
 line for repair of corrosion to the front wheel wells of the City Ladder Truck. The repair  
 will be done by Pat Forsha Truck and Auto. Their facility does warranty work for Empire  
 Emergency Apparatus, is large enough to get the truck inside, and has recently done  
 warranty work on our Rescue Truck. The estimate is \$6,803.52. I was informed they will  
 try to keep the repair in line with the written estimate. However there may be something

that requires more time or materials. This repair is highly recommended. If not completed now the corrosion will only get worse costing more to repair at a later date.

Thank you,  
Joseph D. Sikora  
Fire Chief

**MOVED** by Alderman DiBernardo **SECONDED** by Alderman Schmigel  
That the Common Council hereby approves the Fire Chief to use the estimated \$6,803.52 from the Fire Department Repair and Maintenance line for repair of corrosion to the front wheel wells of the City Ladder Truck.  
Ayes: Alderman Schmigel, DiBernardo, Pecoraro, Tylec, Zadzilka (5)  
Nays: None (0)  
**CARRIED.**

**XXV. Monthly Reports**

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

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

**AUDIENCE PARTICIPATION - None**

**ADJOURNMENT**

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

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

Respectfully submitted,



Donna L. Braun  
City Clerk-Treasurer