THE HONORABLE BODY

Council Chambers Municipal Building North Tonawanda, New York 14120 Tuesday, December 15, 2020 6:35 P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT ZADZILKA

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: President Zadzilka

Alderman Schmigel, DiBernardo, Pecoraro, Tylec

Absent: None

Also Present: Mayor Arthur G. Pappas

Assistant City Attorney Nick Robinson

AUDIENCE PARTICIPATION - None

APPROVAL OF THE MINUTES OF THE REGULAR SESSION DECEMBER 1, 2020

MOVED by Alderman Zadzilka SECONDED by Alderman Schmigel That the minutes of the regular session meeting held December 1, 2020 be approved as circulated and filed in the Office of the City Clerk.

Ayes: Alderman Schmigel, DiBernardo, Pecoraro, Tylec, Zadzilka

(5) (0)Nays: None

CARRIED.

PROOF OF PUBLICATION PUBLISHED 11/20/2020 & 11/21/2020

1) Legal Notice - Bids for a New Fire Hose - Fire Chief

PROOF OF PUBLICATION PUBLISHED 12/3/2020

1) Legal Notice - Local Law No.1 for 2021 Establishing Sewer Rates for 2021 and Thereafter - Clerk-Treasurer

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

COMMUNICATIONS FROM CITY OFFICIALS

V.1 Supt. Water/Wastewater

December 9, 2020

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

Re: Approval of Payment Application for WTP Standby Generator Project

Honorable Body:

I respectfully request that you approve the following Pay Application for work performed under the WTP Standby Generator contract. This work has been reviewed and approved by myself and Nussbaumer & Clarke Engineering.

1. Goodwin Electric pay app #6 \$19,000.00 2. STC Construction pay app #6 \$19,712.50

This work is being 60% funded through a NY State WIIA Grant and 40% by the City.

Therefore, I am asking for your approval to have the City pay \$15,485.00 (40%) and allow Rotella Grant Management to submit a request for \$23,227.50 (60%) 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 Tylec Zadzilka SECONDED by Alderman That the Common Council hereby approves the following Pay Applications for WTP **Standby Generator Project:**

1. Goodwin Electric pay app #6 \$19,000.00 2. STC Construction pay app #6 \$19,712.50

Council also grants permission to pay \$15,485.00 (40%), and approves of Rotella Grant Management to submit the request for \$23,227.50 (60%) to the EFC on the City's behalf, subject to review by the City Attorney.

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

CARRIED.

V.2 Supt. Water/Wastewater

December 9, 2020

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

> Re: Approval of Payment Applications for WWTP Phase 1 Upgrade Project. (EFC – Funding Disbursement#3)

Honorable Body:

I respectfully request that you approve the following Pay Application for work performed under the WWTP Phase 1 Upgrade Contract. Wendel Engineering and I have reviewed and approved this work.

1.	Frey Electric – pay app #3	\$104,927.50
2.	Danforth Company – pay app #3	\$5937.50
3.	STC Construction – pay app #4	\$125,637.50
4.	Professional Service Industries "PSI" (invoice #00734011) 10/31/20	\$1,417.00
5.	PSI (invoice #00738951) 11/30/20	\$730.00

The City does not have to issue a Purchase Order for payment at this time. This work is being funded through a NY State WIIA Grant and NY State Environmental Finance Center ("EFC") 0% loan.

With your approval Rotella Grant Management will submit this request to the EFC on the City's behalf. The EFC will then send us the funds to pay these Contractors. 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 Application for work performed under the WWTP Phase 1 Upgrade Contract:

1.	Frey Electric – pay app #3	\$104,927.50
2.	Danforth Company – pay app #3	\$5937.50
3.	STC Construction – pay app #4	\$125,637.50
4.	Professional Service Industries "PSI" (invoice #00734011) 10/31/20	\$1,417.00
5.	PSI (invoice #00738951) 11/30/20	\$730.00

Council also grants permission to Rotella Grant Management to submit this request to the 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.	

VII. Accountant

December 10, 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 December 15, 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 December 15, 2020, and further authorizes the Mayor
and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$800,406.11
02	Water Fund	36,986.94
04	Sewer Fund	279,589.59
06	Capital Project Fund	192,551.88
07	Trust & Agency Fund	7,864.64
00	Final Total	\$ <u>1,317,399.16</u>

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

X. Police Chief

December 8, 2020

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

Dear Honorable Body:

Per Article 7, §113 of the Agriculture and Markets Law (AML) each municipality and city in which dog licenses are issued, shall appoint one or more Dog Control Officers (DCO's) for the purpose of assisting, within the appointing municipality, with the control of dogs and the enforcement of Article 7.

Article 7 further states that in lieu of our in addition to appointing of a DCO the same municipalities may contract with any duly incorporated SPCA, humane society or similar animal protective association.

AML, Article 7, §114 states that each town and city in which licenses are issued, shall establish and maintain a pound or shelter for dogs. The shelter requirement must be met in one of the following four ways:

- 1. Municipality can establish and maintain a dog shelter.
- 2. Municipality can establish and maintain a shelter jointly with another municipality.
- 3. Municipality can contract with another municipality for shelter services.
- 4. Municipality can contract with any incorporated humane society (including SPCA's) for similar incorporated dog protective association for shelter services.

All appointments and/or contracts must be in writing and be available to duly authorized agents of the Department of Agriculture & Markets (DOAM).

New York Code Rules and Regulations (NYCRR), part 77.2 requires that all dogs seized under AML, Article 7 ... "shall be properly cared for, sheltered, fed and watered for the redemption period..." "Properly cared for" includes veterinary care when necessary.

Currently the City of North Tonawanda contracts with All Dawgs Academy, LLC for a cost of \$2,400.00 annually for clerical services and following.

If the owner of a dog is not located the City is responsible for:

- \$45.00 per dog for the first day of impoundment, and \$30 dollars a day for an additional 5 days.
- Veterinary costs up to \$1000.00 if the owner is not located.

• Other minimal fees ranging from \$10.00 to \$30.00.

In the past the City of North Tonawanda has contracted with the Niagara County SPCA for full services; however, the cost became prohibitive and the City appointed a DCO.

Currently we have a proposal from the Niagara County SPCA to contract for shelter services at \$300.00 per month (\$3600.00 annually) with no additional costs. City Attorney Luke Brown has reviewed the contract and has no issues with the content.

I am requesting authorization to contract with the Niagara County SPCA for the contract amount of \$300.00 per month and to cancel our agreement with All Dawgs Academy, LLC.

Respectfully, Thomas E. Krantz Chief of Police

MOVED by Alderman DiBernardo SECONDED by Alderman Zadzilka That the Common Council hereby grants permission to cancel the City's agreement with All Dawgs Academy, LLC for the shelter of stray dogs, and contract with the Niagara County SPCA, 2100 Lockport Road, in the amount of \$3,000 per month (\$3600.00 annually), effective January 1, 2021, contract subject to review by the City Attorney.

Ayes: Alderman Schmigel, DiBernardo, Pecoraro, Tylec, Zadzilka (5

Nays: None (0)

CARRIED.

XI. Fire Chief

December 7, 2020

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

Dear Honorable Body:

Bids for the purchase of anew 2 inch attach hose, 3 inch attach/supply hose, and 5 inch supply hose, to be used by the North Tonawanda Fire Department, were received and publicly opened in the Common Council Chambers on December 3, 2020 by Donna Braun, City Clerk-Treasurer.

The following bids were received in response to NTFD RFP:

- 1. Churchville Fire Equipment Corp., (585) 314-7294, 340 Sanford Road South, Churchville, NY, 14428, \$113,328
- 2. Municipal Emergency Services, (716) 796-5834, 12 Turnberry Ln., Sandy Hook, CT, 06482, \$115,691.20
- 3. First Out Rescue Equipment, (716) 874-2428, 100 Ensminger Road, Tonawanda, NY 14150, \$120,609.60
- 4. Dival Safety Equipment, (716) 597-7370, 1721 Niagara Street, Buffalo, NY 14207, \$155,764.48

After review of the bids, Churchville Fire Equipment met all specs and provided the low bid. I respectfully request the Common Council award the bid for fire hose to Churchville Fire Equipment at their low bid of \$113,328 with required deposit, after review of the bid by the City Attorney.

Joseph D. Sikora Fire Chief MOVED by Alderman Zadzilka **SECONDED** by Alderman Tylec That the Common Council hereby awards the bid for fire hose to Churchville Fire Equipment, 340 Sanford Road Churchville, NY at their low bid of \$113,328, subject to further review by the City Attorney. Ayes: Alderman Schmigel, DiBernardo, Pecoraro, Tylec, Zadzilka **(5)**

Nays: None

CARRIED.

(0)

XXV. Monthly Reports

.2 Senior Citizen Center .1 Clerk-Treasurer

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

Ayes: Alderman Schmigel, DiBernardo, Pecoraro, Tylec, Zadzilka

Nays: None

(0)

CARRIED.

COMMUNICATIONS FROM OTHERS

Matthew Lehman

December 9, 2020

Common Council 216 Payne Avenue North Tonawanda, NY 14120

Dear Honorable Body:

I have been selected from the Niagara County Civil Service list for the position of Lift Station Operator for the Department of Public Works. Therefore, I am respectfully requesting a leave of absence from my position as Operator at the Water Treatment Plant from December 21, 2020 until the time of my permanent appointment as Lift Station Operator.

Thank you for your time and consideration of my request.

With appreciation, Matthew S. Lehman

SECONDED by Alderman Pecoraro MOVED by Alderman Tylec

That the Common Council hereby grants permission for Matthew S. Lehman to take a leave of absence from his position as Operator at the Water Treatment Plant, from December 21, 2020 until the time of his permanent appointment as Lift Station Operator for the Department of Public Works.

Ayes: Alderman Schmigel, DiBernardo, Pecoraro, Tylec, Zadzilka **(5)**

Nays: None

CARRIED.

(0)

AUDIENCE PARTICIPATION - None

ADJOURNMENT

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

Time of Adjournment: 7:05 P.M.

Respectfully submitted,

Donna L. Braun

Donna L. Braun

City Clerk-Treasurer