THE HONORABLE BODY

Council Chambers Municipal Building North Tonawanda, New York 14120 Tuesday, February 2, 2021 6:30 P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT PECORARO

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

President Pecoraro

Alderman Schmigel, DiBernardo, Zadzilka, Tylec

Absent:

None

Also Present:

Mayor Arthur G. Pappas

City Attorney Luke Brown

<u>AUDIENCE PARTICIPATION</u> - None

APPROVAL OF THE MINUTES OF THE SPECIAL SESSION JANUARY 26, 2021

MOVED by Alderman Zadzilka SECONDED by Alderman Tylec That the minutes of the special session held January 26, 2021 be approved as circulated and filed in the Office of the City Clerk.

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

(5)

Nays: None

CARRIED.

(0)

COMMUNICATIONS FROM CITY OFFICIALS

#1. Austin Tylec

January 21, 2021

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

Dear Mayor and Council,

Attached is a resolution presented to this Honorable Body of which I am requesting approval on Tuesday, February 2nd, 2021. This Energy Benchmarking resolution will allow the City to build from the existing work with Crimson Power and allow us to track the annual energy consumption of our municipal buildings. Regular tracking of energy consumption will help inform future energy upgrades across City owned facilities. Through the continued assistance of the University of Buffalo Regional Institute (UBRI), the submission of this benchmarking resolution will be the final New York State Energy Research & Development Authority's (NYSERDA) clean energy initiative; designating North Tonawanda as a Clean Energy Community. This will provide our community with more grant opportunities through NYSERDA and a better understanding on how to

promote energy savings in our city. Should you have any questions, please do not hesitate to reach out to me.

Respectfully, Austin J. Tylec Alderman-at-Large

MOVED by Alderman Tylec 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 February 2, 2021 approves the resolution
Establishing Energy Benchmarking Requirements for Certain Municipal Buildings and it
reads as follows:

ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS FOR CERTAIN MUNICIPAL BUILDINGS

WHEREAS, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the City of North Tonawanda is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the City of North Tonawanda Common Council desires to use Building Energy Benchmarking - a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the City of North Tonawanda; and

WHEREAS, the City of North Tonawanda Common Council desires to establish procedure or guideline for the City of North Tonawanda staff to conduct such Building Energy Benchmarking; and

NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED, that the following specific policies and procedures are hereby adopted;

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

- "Benchmarking Information" shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.
- (2) "Building Energy Benchmarking" shall mean the process of measuring a building's Energy use, tracking that use over time, and comparing performance to similar buildings.
- (3) "Commissioner" shall mean the head of the department or designee from The Common Council
- (4) "Covered Municipal Building" shall mean a building or facility that is owned or occupied by the City of North Tonawanda that is 1,000 square feet or larger in size.
- (5) "Department" shall mean the City Clerk-Treasurer or third-party energy consultant.
- (6) "Energy" shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

- (7) "Energy Performance Score" shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.
- (8) "Energy Use Intensity (EUI)" shall mean the KBTUs (1,000 British Thermal Units) used per square foot of gross floor area.
- (9) "Gross Floor Area" shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.
- (10) "Portfolio Manager" shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.
- (11) "Utility" shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.
- (12) "Weather Normalized Site EUI" shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§2. APPLICABILITY

- (1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.
- (2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

- (1) No later than May 1st, 2021 and no later than May 1st every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.
- (2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

- (1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:
 - (a) no later than **September 1, 2021** and by **September 1** of each year thereafter for Covered Municipal Buildings; and
- (2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:
 - (a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and
 - (b) For each Covered Municipal Building individually:
 - (i) The status of compliance with the requirements of this Policy; and
 - (ii) The building address, primary use type, and gross floor area; and
 - (iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and
 - (iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

§5. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§6. ENFORCEMENT AND ADMINISTRATION

- (1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.
- (2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.
- (3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the City of North Tonawanda Common Council including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

§7. EFFECTIVE DATE

This policy shall be effective immediately upon passage.

§8. SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Subject to further review by the City Attorney.

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

Nays: None

CARRIED.

(5)

I.1 Mayor

January 21, 2021

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

Re: Re-Appointment of the City Cemetery Board

Dear Honorable Body:

I am re-appointing Linda Krempa, 1406 Lexington Ave, North Tonawanda, NY 14120, to the City Cemetery Board, retroactive to January 1, 2021 for a term of (5) five years, expiring December 31, 2025.

I am also appointing Stacy Yaro, 154 Christiana Street Apt.1, North Tonawanda, NY 14120, to the City Cemetery Board, retroactive January 1, 2021 for a term of (5) five years, expiring December 31, 2025.

Sincerely, Arthur G. Pappas Mayor MOVED by Alderman Tylec SECONDED by Alderman Schmigel
That the Common Council hereby receives and files the re-appointment of Linda Krempa,
1406 Lexington Avenue, North Tonawanda, NY 14120 and appointment of Stacy Yaro, 154
Christiana Street Apt.1, North Tonawanda, NY 14120 to the City Cemetery Board for a
term of (5) five years effective January 1, 2021 and expiring December 31, 2025.

Ayes: Alderman Schmigel, DiBernardo, Zadzilka, Tylec, Pecoraro
(5)
Navs: None
(6)

Nays: None CARRIED.

I.2 Mayor

January 26, 2021

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

Re: Historic Preservation Committee

Dear Honorable Body:

Please be advised that I am appointing James Partsch, Jr., 19 Pine Woods Drive, North Tonawanda, NY 14120, to the Historic Preservation Committee, retroactive to January 1, 2021 for a term of (2) two years, expiring December 31, 2022.

Sincerely, Arthur G. Pappas Mayor

MOVED by Alderman DiBernardo SECONDED by Alderman Tylec That the Common Council hereby receives and files the appointment of James Partsch, Jr., 19 Pine Woods Drive, North Tonawanda, NY 14120, to the Historic Preservation Committee, for a term of (2) two years effective January 1, 2021 and expiring December 31, 2022.

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

Nays: None

CARRIED.

III.1 Clerk-Treasurer

January 15, 2021

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

Dear Honorable Body:

I Donna L. Braun, 175 Lincoln Avenue, North Tonawanda, NY 14120 am requesting to be re-appointed as Commissioner of Deeds for the City of North Tonawanda, effective March 22, 2021 and ending March 21, 2023. Thank you.

Sincerely, Donna L. Braun

MOVED by Alderman Zadzilka SECONDED by Alderman Schmigel
That the Common Council hereby approves the re-appointment of Donna L. Braun, 175
Lincoln Avenue, North Tonawanda, NY 14120, as a Commissioner of Deeds for the City of
North Tonawanda, effective March 22, 2021 and ending March 21, 2023.

Ayes: Alderman Schmigel, DiBernardo, Zadzilka, Tylec, Pecoraro Nays: None

(5) (0)

CARRIED.

III.2 Clerk-Treasurer

Date: January 28, 2021

To: Mayor/Common Council

From: Donna L. Braun - City Clerk/Treasurer

Subject: Standard Work Day and Reporting Resolution - 2021

New Regulation 315.4 outlines additional reporting requirements for elected or appointed officials and more clearly defines the process for reporting time worked by those officials.

This regulation became effective August 12, 2009.

I offer the following resolution for your consideration:

BE IT RESOLVED, that the City of North Tonawanda hereby establishes the following as standard work days for elected and appointed officials and will report (see attached) the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these Officials to the Clerk of this body.

Sincerely, Donna L. Braun City Clerk-Treasurer

MOVED by Alderman Pecoraro SECONDED by Alderman DiBernardo That the Common Council at a regular session meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 PM on February 2, 2021 the following resolution was passed and reads as follows:

BE IT RESOLVED, that the City of North Tonawanda hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these Officials to the Clerk of this body:

2021 Elected/ Appointed Work Schedule City of North Tonawanda New York

ELECTED OFFICIALS:

TITLE	NAME	STANDARD WORKDAY	TERM BEGINS/ENDS	PARTICIPATES IN TIME KEEPING	DAY/MONTH
Mayor	Arthur G. Pappas	7	01/01/18 - 12/3	1/21 N	20
Clerk-Treasurer	Donna L. Braun	7	08/19/20 - 12/3	1/21 Y	20
Attorney	Luke Brown	7	01/01/18 - 12/3	1/21 Y	20
2 nd Ward Alderman	Frank DiBernardo	6	09/15/20 - 12/3		20
Alderman at Large	Robert E. Pecoraro	6	01/01/20 - 12/31	1/23 Y	20
Alderman at Large	Austin J. Tylec	6	01/01/18 - 12/31	1/21 Y	20
3rd Ward Alderman	Eric Zadzilka	6	01/01/20 - 12/31	1/21 N	20
1st Ward Alderman	Robert Schmigel	6	01/01/20 - 12/31	1/21 N	20

APPOINTED OFFICIALS

Adm. Assistant Mayor's Office	Daniel DiVirgilio	7	02/12/18 - 12/31/21	Y	20
Asst. City Attorney	Nicholas B. Robinson	6	02/07/17 - 12/31/21	Y	20
Zoning Board	Kenneth Braun	6	01/01/19 - 12/31/23	Y	3
Planning Board	Michael Carney	6	06/17/15 - 12/31/21	Y	3
Planning Board	Thomas Jaccarino	6	01/01/20 - 12/31/26	Y	3
			Donna L. Braun City Clerk-Treasurer		
Ayes: Alderman Nays: None CARRIED	n Schmigel, DiBernar	do, Zad	zilka, Tylec, Pecoraro		(5) (0)

IV.1 Engineer

January 19, 2021

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

Re: Pinewoods Park Pavilion and Bathroom Improvement Proposals

Dear Honorable Body:

The City was awarded a \$91,450 grant from the Dormitory Authority of the State of New York (DASNY) to make improvements to the main pavilion and bathroom facility at Pinewoods Park. Improvements to Pinewoods Park will include epoxy of the concrete floors in the pavilion, cleaning and restoration of the brick, interior lighting improvements, exterior soffit light improvements, interior and exterior painting improvements, enhancements to the kitchen space, and ADA improvements to the bathroom facility.

To complete the Pinewoods Park Pavilion and Bathroom Improvements Project, the City intends to procure the services of a professional engineering firm. This firm's responsibilities will include design of the identified improvements and implementation assistance through the construction and installation stages.

A request for proposals was issued in November 2020 and the City received two proposals from professional firms. A review committee was convened with representation from the City Council, City Engineering, Community Development office, and Parks and Recreation, to review the proposals and provide a recommendation to the Council.

Upon review the committee is recommending the City select the proposal submitted by Nussbaumer & Clarke, Inc. Nussbaumer is a local firm with experience in design of renovations for similar projects. The review committee felt the team assembled by Nussbaumer demonstrated the experience, creativity, and capacity to complete this project for the City at a reasonable fee.

I am hereby requesting this honorable body consider selecting Nussbaumer & Clarke, Inc. to complete the Pinewoods Park Pavilion and Bathroom Improvements Project and authorize the Mayor to sign a contract with Nussbaumer, pending review and approval by the City Attorney, for the proposed fee of \$18,100.00.

Please let me know if you have any further questions or concerns. Thank you for your consideration.

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

MOVED by Alderman Tylec SECONDED by Alderman DiBernardo That the Common Council hereby grants approval for Nussbaumer & Clarke, Inc. to complete the Pinewoods Park Pavilion and Bathroom Improvements Project and authorizes the Mayor to sign said contract, for the proposed fee of \$18,100, pending review and approval by the City Attorney.

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

Nays: None CARRIED

(0)

IV.2 Engineer

January 27, 2021

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

> Re: PIN 5762.71 Local Pedestrian Safety Action Plan (PSAP) City of North Tonawanda, Niagara County Project No. 2018-09, Final Project Acceptance

Dear Honorable Body:

Approval of Change Order No. 1, the project balancing change order, and final acceptance of the Local Pedestrian Safety Action Plan Project is hereby requested. The change order is a deduct change order. Attached is the change order showing the balancing of unit price quantities at the end of the project.

Accordingly, I respectfully request that the Common Council approve the deduct Change Order No. 1 for the Local Pedestrian Safety Action Plan Project in the amount of \$3,044.98 with 4th Generation Construction, Inc., 5650 Simmons Avenue, Niagara Falls, New York 14304; decreasing the contract amount from \$362,243.00; to the final contract amount of \$359,198.02; authorizing the Mayor to sign said change order. Further, that the Common Council accept this project as complete and approve the final payment subject to review by the City Attorney.

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

MOVED by Alderman Zadzilka SECONDED by Alderman Schmigel That the Common Council hereby approves the deduct Change Order No. 1 for the Local Pedestrian Safety Action Plan Project in the amount of \$3,044.98 with 4th Generation Construction, Inc., 5650 Simmons Avenue, Niagara Falls, New York 14304; decreasing the contract amount from \$362,243.00; to the final contract amount of \$359,198.02; and authorizes the Mayor to sign said change order. The Common Council accepts this project as complete and approves the final payment, subject to review by the City Attorney.

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

Nays: None (0)

CARRIED

IV.3 Engineer

January 27, 2021

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

> Re: Project 2018-03: Main Street Green Infrastructure Improvements Project Approval of Balancing Change Order and Final Project Acceptance

Dear Honorable Body:

Approval of Change Order No. 4, the project balancing change order, and final acceptance of the Main Street Green Infrastructure Improvements Project is hereby requested. The change order is a deduct change order. Attached is the change order showing the balancing of unit price quantities at the end of the project.

Accordingly, I respectfully request that the Common Council approve the deduct Change Order No. 4 for the Main Street Green Infrastructure Improvements Project in the amount of \$34,100.39 with Milherst Construction, 10025 County Road, Clarence Center, New York 14032; decreasing the contract amount from \$983,321.00; to the final contract amount of \$949,220.61; authorizing the Mayor to sign said change order. Further, that the Common Council accept this project as complete and approve the final payment subject to review by the City Attorney.

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

MOVED by Alderman DiBernardo SECONDED by Alderman Pecoraro That the Common Council hereby approves the deduct Change Order No. 4 for the Main Street Green Infrastructure Improvements Project in the amount of \$34,100.39 with Milherst Construction, 10025 County Road, Clarence Center, New York 14032; decreasing the contract amount from \$983,321.00; to the final contract amount of \$949,220.61; and authorizes the Mayor to sign said change order. The Common Council accepts this project as complete and approves the final payment, subject to review by the City Attorney.

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

VII. Accountant

January 28, 2021

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 February 2, 2021, 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 DiBernardo
That the Common Council hereby authorizes for payment the current Abstract of Claims
for Common Council Audit dated February 2, 2021, and further authorizes the Mayor and
City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$392,395.39
02	Water Fund	28,214.65
04	Sewer Fund	313,335.78
06	Capital Project Fund	109,603.90
07	Trust & Agency Fund	8,652.50
00	Final Total	\$852,202.22

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

X. Police Chief

January 19, 2021

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

Dear Honorable Body,

I am requesting to have an agreement between the North Tonawanda Police Department and the North Tonawanda Fire Department approved to have two members of the fire department made a part of the SWAT team as Tactical Team Paramedics.

The New York State Department of Criminal Justice Services (DCJS) requires that all NYS Certified Swat Teams have capabilities and written directives for tactical medical care provided by an Emergency Medical Technician (EMT) and said EMT may be a member of the fire department.

Currently our team is in the final stages of being certified by DCJS; but currently lacks a Tactical EMT. I am requesting two in case one is unavailable for a call out.

In 2017 the North Tonawanda Police Department was awarded a \$100,000 Tactical Team grant to supplement the department's needs for equipment, training and certain personnel costs associated with training. We are not eligible to receive any other grant funding under this program until we meet the minimum standards for certification, which include the Tactical EMT position being filled.

Our team leader, Lt. Lee Bolsover and Assistant team leader, Lt. Nick Iwanicki have estimated that each EMT would require approximately 60 hours of training to meet the standards set by DCJS for Tactical Team Paramedics. Those training hours would equate to approximately \$4600.00 in total compensation for the two EMT's for their training.

In addition to not being eligible for the Tactical Grant, I have spoken to City Attorney Luke Brown and he and I believe that we are setting the City up for possible civil liability based on Senate Bill S6601A, if based on the situation we are not able to get medical personnel into a scene that is not yet safe and we have one or more injured suspects in custody and do not have a tactically trained EMT inside our perimeter.

The following is the bill that the governor has signed. Fire Chief Sikora and the North Tonawanda Fire Department Medical Director Jason Borton have no issues with this request.

> Respectfully, Thomas E. Krantz Chief of Police

MOVED by Alderman Pecoraro SECONDED by Alderman DiBernardo That the Common Council hereby at a regular session meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 PM on February 2, 2021, approves the agreement between the North Tonawanda Police Department and the North Tonawanda Fire Department for two (2) members of the Fire Department to be made a part of the SWAT team as Tactical Team Paramedics, Subject to further review by the City Attorney.

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

Nays: None (0)

CARRIED.

XI. Fire Chief

January 26, 2021

Honorable Mayor Arthur G. Pappas And 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 appointment:

Adam James Brodfuehrer, 765 Ruie Road, North Tonawanda, is appointed as a Firefighter in the City of North Tonawanda Fire Department.

I feel confident he will do a great job on behalf of the residents of the City of North Tonawanda. There will be a brief ceremony following COVID-19 protocol on February 5, 2021.

> Joseph D. Sikora Fire Chief

MOVED by Alderman DiBernardo SECONDED by Alderman Schmigel That the Common Council hereby approves the appointment of Adam James Brodfuehrer, 765 Ruie Road, North Tonawanda as a Firefighter for the North Tonawanda Fire Department, effective February 5, 2021.

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

Nays: None

CARRIED.

(0)

XIV. Youth, Recreation, Parks & Seniors

January 26, 2021

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

Dear Mayor Pappas and Common Council:

After reviewing their application, I am respectfully asking to waive the special event fee for the WNY Disc Golf club to use the Pinewoods Disc Golf Course for a tournament on March 6, 2021 from 8am -5pm on the basis that the course is free and available for anyone to play on during park hours, and that the tournament will be taking place while pavilions are still closed. Additionally, the park has no events or activities which would be impacted by the tournament and there is no requirement for increased maintenance needs or requests that would normally solicit a user special event fee (i.e. opening/cleaning restrooms, pavilion use etc).

WNY Disc golf club has worked closely with our department in implementing the course layout which has increased positive use of the park. They were also instrumental in securing signage for the tee boxes at no cost to the City and participate in an annual park cleanup. The WNYDGC will insurance for the event. This tournament is a great opportunity for continued exposure of our parks from potential new users.

Respectfully submitted, Alex Domaradzki Dir. Youth, Recreation, Parks & Seniors

MOVED by Alderman Pecoraro SECONDED by Alderman Tylec
That the Common Council hereby grants approval to waive the special event fee for the
WNY Disc Golf Club to use the Pinewoods Disc Golf Course for a tournament on March 6,
2021 from 8am-5pm, the course must be free and available for anyone to play on during
park hours and the appropriate insurance must be submitted prior to the tournament.
Ayes: Alderman Schmigel, DiBernardo, Zadzilka, Tylec, Pecoraro (5)

Nays: None

CARRIED.

XVII. Traffic Safety

January 18, 2021

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

Traffic Safety Minutes:

The January 2021 meeting of the North Tonawanda Traffic Safety Committee was called to order at 1700 hours. Roll call showed the following members present: R. Frank, J. Sikora, M. Daigler, M. Meisenburg, M. Lemke, A. DiBernardo, D. Grinnell, M. Anastasi. The minutes from the previous meeting were read and accepted, the following new concerns/requests were discussed, and recommendations made.

- 1. Councilman Eric Zadzilka received a complaint regarding the blinking yellow light at the intersection of Payne Avenue and Walck Road. The complainant believed that the blinking light was confusing drivers which was causing accidents. Fire Chief/Traffic Committee member Sikora was informed and stated that the light was no longer used by the Fire Department. Chief Sikora recommended taking down the light with the permission of the Mayor. Mayor Pappas informed the Traffic Committee that the light could be taken down. The blinking light was removed by the DPW.
- 2. Paul and Paula Bicegneul of North Avenue requested that the Traffic Committee look into the safety of the houses at the curve on North Avenue. Paul Becigneaul informed member Frank that there have been some bad accidents over the years and asked about extra signs, guard rails or boulders in front of the houses. Member Frank spoke with City Attorney Luke Brown and Assistant City Attorney Nick Robinson who both stated that due to liability purposes guard rails and boulders

could not be put in the front yard next to the street. Member Frank advised Becigneal. Member Daigler installed new signs along the curve.

- 3. The Traffic Committee received a request from Judy Mittiga to look into a work van that was parking on a terrace at the corner of Schenck Street and Brant Street. Member Daigler advised Mittiga that the residents have a valid terrace parking permit with the city and that it includes the work van.
- 4. Chief Sikora requested that the fire lane at Tops Plaza be looked into for improper signs. The designated fire lane had parking signs instead of "No Parking in Fire Lan" signs. Member Daigler contacted the property manage, Tom Pendergast, who installed the proper signs.
- 5. The Traffic Committee received a request from Police Chief Krantz to look into speeding on Wurlitzer Drive. The request came from Gary Shaffer of 508 Wurlitzer Drive, who has submitted numerous complaints to the committee in the past year. Committee members have looked into the complaints and committee member Gri9nnell spoke with Mr. Shaffer regarding his complaints. NTPD Officers have monitored Wurlitzer Drive in the past and have found that the complaints are unfounded. Mr. Shaffer would like Wurlizer Drive checked again. Member Frank had Traffic Officer Otabachian monitor Wurlitzer Drive from Shaffer's driveway. Otabachian completed a morning and afternoon study and documented every vehicle including the time and the speed of the vehicles. The morning study had 98 vehicles and had an average speed of 30.6 mph. the afternoon study had 230 vehicles and had an average speed of 31.1 mph. the documentation and results over the last year were given to Chief Krantz. The committee's information that was gathered from Wurlitzer Drive over the last year can be viewed upon request.
- Member Lemke requested in December that the light at Oliver Street and Schenck Street be placed on flash. The committee has looked into this and member Lemke will speak to the local business over to get their opinions.

Meeting adjourned at 1915 hours.

Travel safely, Robert J. Frank

MOVED by Alderman Zadzilka SECONDED by Alderman DiBernardo
That the Common Council hereby approves the Traffic Safety minutes from their January
meeting, and receives and files said minutes.

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

Nays: None CARRIED.

XXV. Monthly Reports

.1 Police Department

MOVED by Alderman Pecoraro SECONDED by Alderman Zadzilka
That the Common Council hereby receives and files the aforementioned Monthly Report.
Ayes: Alderman Schmigel, DiBernardo, Zadzilka, Tylec, Pecoraro (5)

Nays: None CARRIED.

XXVI. Annual Vacation and Sick Leave Report

.1 Building Inspector's Office .2 DPW .3 Youth, Recreation, Parks & Seniors

MOVED by Alderman Tylec SECONDED by Alderman Zadzilka That the Common Council hereby receives and files the aforementioned Annual Vacation and Sick Leave Reports. Ayes: Alderman Schmigel, DiBernardo, Zadzilka, Tylec, Pecoraro

Navs: None

(0)

XXVII. Annual Reports

CARRIED.

.1 Building Inspectors' Office .2 Police Department

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

COMMUNICATIONS FROM OTHERS

Gratwick Hose Company, Inc.

January 5, 2021

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

Honorable Body:

The following members of the Gratwick Hose Fire Company have reached the years of service listed below:

35 Years Albert Gerlach Jeffery Mott William Davignon Jeffery Robinson

John Lapham

25 Years Julie Galus

Please issue the appropriate certificates.

Thank you, David A. Rogge Membership Secretary

MOVED by Alderman Tylec SECONDED by Alderman DiBernardo That the Common Council hereby grants the appropriate Exemption Certificates for years of service for the following:

35 Years Albert Gerlach Jeffery Mott William Davignon Jeffery Robinson John Lapham

25 Years Julie Galus Ayes: Alderman Schmigel, DiBernardo, Zadzilka, Tylec, Pecoraro
Nays: None
CARRIED. (5)

B.

Robert Schmigel & Ryan Howze

January 15, 2021

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

Dear Honorable Body:

I Robert Schmigel, 137 5th Avenue, North Tonawanda, NY 14120 and Ryan Howze, 191 Bryant Street, North Tonawanda, NY 14120, am requesting to be appointed as a Commissioner of Deeds for the City of North Tonawanda. Thank you.

Sincerely, Robert Schmigel Ryan Howze

MOVED by Alderman Zadzilka SECONDED by Alderman Tylec
That the Common Council hereby approves the appointment of Robert Schmigel, 137 5th
Avenue North Tonawanda, NY 14120 and Ryan Howze, 191 Bryant Street, North
Tonawanda, NY 14120 as a Commissioner of Deeds for the City of North Tonawanda,
effective February 3, 2021 and ending February 2, 2023.

Ayes: Alderman DiBernardo, Zadzilka, Tylec, Pecoraro

(4)
Abstained: Alderman Schmigel

CARRIED.

C. David Werth

January 22, 2021

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

Honorable Mayor Pappas and Common Council Members:

Upon your approval on February 2nd, 2021, I will be accepting a promotion to the position of Senior Wastewater Operator starting February 5th, 2021. Therefore, I am requesting a leave of absence from my position as Wastewater Operator as of February 5th, 2021 until the time of my permanent appointment as Senior Wastewater Operator of the Wastewater Treatment Plant.

Thank you for your time and consideration of my request.

Respectfully yours, David Werth

MOVED by Alderman Pecoraro SECONDED by Alderman Tylec
That the Common Council hereby grants permission for David Werth to take a leave of
absence from his position as Wastewater Operator to accept the position of Senior
Wastewater Operator for the Wastewater Treatment Plant starting February 5, 2021.

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

D. Lumber City Church

February 2, 2021

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

To whom it may concern,

We are respectfully requesting the use of Gratwick Riverside Park to host a charity flag football tournament on Saturday May 1. We are asking for permission to use Shelter 1 as well as the Southeastern Park area (location of soccer fields) where three football fields will be set up for the event.

All proceeds for the event (generated by team registration) will be allocated specifically to the North Tonawanda Box of Hope initiative which is a community-wide program orchestrated through the local churches, school district and volunteers of the community. Box of Hope provides boxes of non-perishable food items to registered families in need, along with school supplies (start of school season), Christmas presents (holiday box delivery) and crisis intervention (upon request for those in need).

We anticipate 10-15 teams of 8 individuals participating in the event and will utilize the shelter as a meal location where participants will be provided with food and refreshments. The fields will be spaced out and all NYS COVID Guidelines will be followed regarding masks, sanitization, and social distancing where appro0priate.

We kindly are asking for your approval to hold the event, and also to waive any fee/permit associated with the park use. Thank you for your time and consideration.

Sincerely, Pastoral Leadership Team Lumber City Church

MOVED by Alderman Schmigel SECONDED by Alderman DiBernardo
That the Common Council hereby approves of waiving the event and pavilion fee at
Gratwick Riverside Park to Lumber City Church, on Saturday, May 1, 2021 for their
charity flag football tournament.

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

LATE COMMUNICATION

MOVED by Alderman Zadzilka SECONDED by Alderman Schmigel
To bring the following communication to the floor.

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

Nays: None
CARRIED.

(5)

#1. Robert Pecoraro

February 1, 2021

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

Dear Honorable Body:

I will introduce this late communication during our Common Council Meeting on February 2, 2021 for a call to action to communicate to Governor Cuomo to increase Aid and Incentives to Municipalities (AIM) in the 2021-2022 budget. The NYS Legislature is currently meeting on this issue attempting to recommit AIM funding and we need all parties to implore them to increase AIM and not decrease it as proposed by the Governor reflected in the attached resolution.

Please let me know if you have any questions. My draft copy was sent out on Friday and two Council Members responded with draft inputs.

Sincerely, Alderman-at-Large Robert E. Pecoraro President, North Tonawanda Common Council

MOVED by Alderman Pecoraro SECONDED by Alderman DiBernardo At a regular session meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 PM on February 2, 2021, approves the

PRESENT: Robert E. Pecoraro, Alderman-at-Large

Austin Tylec, Alderman-at-Large Robert Schmigel, 1st Ward Alderman Frank DiBernardo, 2nd Ward Alderman Eric Zadzilka, 3rd Ward Alderman

ABSENT: None

The following resolution was offered by Alderman Pecoraro, who moved its adoption, seconded by Alderman DiBernardo, to-wit:

REQUESTING THE GOVERNOR AND STATE LEGISLATURE TO INCREASE AID AND INCENTIVES TO MUNICIPALITIES (AIM) FUNDING IN THE 2021-2022 NYS BUDGET

WHEREAS, Aid & Incentive to Municipalities (AIM) funding is the unrestricted State aid that cities and villages in New York receive from the State and such aid is distributed annually via the State budget; and

WHEREAS, a strong state and local fiscal partnership is essential to generating economic vitality in all regions of our State and the New York State Budget providing AIM funding to the local governments is a critical component of such a partnership; and

WHEREAS, in 2021 Governor Cuomo proposed cut in AIM funding to municipalities in Niagara County by \$1,709,462. Specifically, North Tonawanda's funding is to be cut from FY21 enacted budget of \$4,335,111 (does not include the impact of withholdings during the year) to \$3,468,089, a decrease of \$867,022.

WHEREAS, the Governor's proposed budget presents "The Budget equitably reduces the amount of Aid and Incentives to Municipalities (AIM) for cities in New York State based on their reliance, calculated as a percentage of the total city budget. Payments will be reduced by

2.5 percent for those cities with the highest reliance on AIM, and up to 20 percent for those who have the least reliance."

WHEREAS, North Tonawanda has an approved FY2021 budgeted that if altered negatively will drive potential cuts in services and personnel. This could include all departments including health and safety, which Police and Fire are impacted.

WHEREAS, the fact that the New York State tax cap is now permanent only accentuates the need for annual increases in AIM funding.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council call upon Governor Andrew M. Cuomo, State Senator Rob Ortt, Assemblyman Angelo Morinello, Assemblyman Bill Conrad, and all members of the NYS Legislature to increase AIM funding in the 2021-2022 New York State Budget; and

BE IT FURTHER RESOLVED, that the City Clerk forward a certified copy of this resolution to the Governor and all of our State representatives. In addition, request the Mayor invite the North Tonawanda Police Benevolent Association (PBA) to write the NYS PBA and, the North Tonawanda Fire Department to write to Fireman's Association of the State of NY (FASNY), employees associated with the American Federation of State, County, and Municipal Employees (AFSCME), Civil Service Employee Association (CSEA), and the Office and Professional *Employees* International *Union* (OPEIU) write to their NYS representatives -- together we can make this happen!

Subject to review by the City Attorney.

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

(5)

Nays: None CARRIED.

(0)

AUDIENCE PARTICIPATION - None

ADJOURNMENT

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

Time of Adjournment: 7:30 P.M.

Respectfully submitted,

" L. Brauk

Donna L. Braun City Clerk-Treasurer