THE HONORABLE BODY Council Chambers Municipal Building North Tonawanda, New York 14120 Tuesday, December 7, 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

AUDIENCE PARTICIPATION - None

APPROVAL OF THE MINUTES OF THE REGULAR SESSION NOVEMBER 16, 2021

MOVED by AldermanZadzilkaSECONDED by AldermanTylecThat the minutes of the regular session held November 16, 2021, be approved as circulatedand filed in the Office of the City Clerk.Ayes:Alderman Schmigel, DiBernardo, Zadzilka, Tylec, Pecoraro(5)Nays:None(0)CARRIED.

PROOF OF PUBLICATION PUBLISHED 11/09/2021

1) Legal Notice – Sealed Proposals for the Bike Path Connection to the Empire State Trail – City Clerk-Treasurer

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

COMMUNICATIONS FROM CITY OFFICIALS

#1 Austin Tylec

November 10, 2021

North Tonawanda Common Council

12-07-2021

216 Payne Avenue North Tonawanda, NY 14120

Re: Approval of Climate Smart Committee Bylaws

Dear Honorable Body:

The Climate Smart Task Force has met for the last few months believed it would be in the best interest of the Council & Community to create bylaws. The purpose of these bylaws is to establish structure, procedures, and dispute recommendation processes. The North Tonawanda Climate Smart Communities task force empowers our city to address the impact of climate change through education, community building, and measurable actions. We are looking for approval of the attached Climate Smart bylaws by the Common Council, and to be filed by the City Clerk-Treasurer.

Thank you, and please reach out with any questions.

Respectfully, Austin J. Tylec Alderman-at-Large

MOVED by Alderman TylecSECONDED by Alderman DiBernardoThat the Common Council hereby approves the attached Climate Smart Committee bylaws
and will file the aforementioned bylaws in the City Clerk's office, subject to review by the
City Attorney.Ayes: Alderman Schmigel, DiBernardo, Zadzilka, Tylec, Pecoraro(5)
(0)Nays: None(0)
CARRIED.

I.1 Mayor

December 1, 2021

Honorable Common Council 216 Payne Avenue North Tonawanda, NY 14120

Re: Reappointment of the Registrar of Vital Statistics

Dear Honorable Body:

Please be advised that I am reappointing City Clerk Donna Braun of 175 Lincoln Ave, North Tonawanda, NY 14120 as the Registrar of Vital Statistics, effective January 1, 2022 for a term of two (2) years, expiring December 31, 2023.

> Sincerely, Arthur G. Pappas Mayor

MOVED by AldermanTylecSECONDED by AldermanZadzilkaThat the Common Council hereby receives and files the reappointment of Donna Braun,175 Lincoln Avenue, North Tonawanda, NY 14120 as the Registrar of Vital Statistics,effective January 1, 2022 for a term of two (2) years, expiring December 31, 2023.Ayes:Alderman Schmigel, DiBernardo, Zadzilka, Tylec, PecoraroNays:None(0)CARRIED.

I.2 Mayor

December 2, 2021

Honorable Common Council 216 Payne Avenue North Tonawanda, NY 14120

Re: Appointment to the Waterfront Commission

Dear Honorable Body:

Please be advised that I am appointing Joseph Petrie of 183 East Avenue, North Tonawanda, NY 14120 to fill a vacancy on the Waterfront Commission, effective January 1, 2022 for a term of two (2) years, expiring December 31, 2023.

Sincerely, Arthur G. Pappas Mayor

MOVED by AldermanPecoraroSECONDED by AldermanSchmigelThat the Common Council hereby receives and files the appointment of Joseph Petrie, 183East Avenue, North Tonawanda, NY 14120 to the Waterfront Commission, effectiveJanuary 1, 2022 for a term of two (2) years, expiring December 31, 2023.Ayes:Alderman Schmigel, DiBernardo, Zadzilka, Tylec, Pecoraro(5)Nays:None(0)CARRIED.

V. Supt. Water/Wastewater

November 23, 2021

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

> Re: Approval of Payment Applications for WTP Generator Replacement Project (EFC – Funding Disbursement #9)

Honorable Body,

I respectfully request that you approve the following Pay Application for work performed under the WTP Generator Replacement Project Contract. Nussbaumer & Clark Engineering and I have reviewed and approve this work.

STC Construction Inc.

\$153,208.68

The city does not have to issue purchase orders for payment at this time. This work is being funded through a NY State WIIA Grant and NY State Environmental Finance Center (EFC) 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, Jason W. Koepsell Supt. Water/Wastewater

12-07-2021

MOVED by Alderman DiBernardo SECONDED by Alderman Tylec That the Common Council hereby approves the following Pay Applications for work performed under the WTP Phase Generator Replacement Project Contract:

STC Construction Pay App #9 \$153,208.68

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, Zadzilka, Tylec, Pecoraro(5)
(0)

Nays: None CARRIED.

VII.1 Accountant

December 2, 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 December 7th, 2021, and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Warm regards, Jeffrey R. Zellner City Accountant

MOVED by Alderman Pecoraro SECONDED by Alderman Zadzilka That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated December 7, 2021, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$671,901.47
02	Water Fund	37,417.95
04	Sewer Fund	94,566.83
06	Capital Project Fund	7,621.20
07	Trust & Agency Fund	25,503.61
00	Final Total	\$ <u>837,011.06</u>

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

XI. Fire Chief

December 1, 2021

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

Schr

Dear Mayor Pappas and Common Council,

I respectfully ask that you approve the city's portion of funding needed for a new Fire Department Rescue Boat. I have secured \$15,000 from Niagara County with an additional \$11,950 in the form of a grant from Enbridge. The amount needed from the city to complete the purchase when delivered in 2022 will be approximately \$10,000.

With the development of Gateway Harbor and the popularity of recreational boating on the waters bordering North Tonawanda at an all-time high this boat is desperately needed.

> **Respectfully submitted**, Joseph D. Sikora **Fire Chief**

MOVED by Alderman Zadzilka SECONED by Alderman Tylec That the Common Council hereby approves funding for the new Fire Department Rescue Boat in the amount of \$10,000, subject to review by the City Attorney. Ayes: Alderman Schmigel, DiBernardo, Zadzilka, Tylec, Pecoraro (5) Nays: None (0) CARRIED.

VII.2 Accountant

December 2, 2021

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

Dear Honorable Body:

In accordance with Article V, Division 2, Section 5.023 and Section 2.2 of the Budgetary Transfer Policy, please authorize the City Accountant to make the following amendment of fiscal year 2021 appropriations, based on the request of the Department Head, copy attached.

Dollar Amount

CARRIED.

001.3120.0420

Decrease/Increase Account

Increase Appropriation Account

\$10,000

Fire Protection -Repairs & Maint.

001.3120.0231 Fire Protection-Vehicles & Equip.

Warm regards, **Jeffrey Zellner City Accountant**

SECONDED by Alderman DiBernardo **MOVED by Alderman** Pecoraro That the Common Council hereby authorizes the City Accountant to make the following Budgetary Transfer of fiscal year 2021 appropriations, based on the request of the **Department Head:**

Dollar A	Amount Decrease/Increase Account	Increase Appropriation Account
\$10,000	001.3120.0420 Fire Protection -Repairs & Maint	001.3120.0231 Fire Protection-Vehicles & Equip.
Ayes: Alderman Schmigel, DiBernardo, Zadzilka, Tylec, Pecoraro Nays: None		ka, Tylec, Pecoraro (5) (0)

XVII. Traffic Safety

November 15, 2021

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

Traffic Safety Minutes:

The November 2021 meeting of the North Tonawanda Traffic Safety Committee was called to order at 1830 hours. Roll call showed the following members present: R. Frank, J. Sikora, M. Meisenburg, M. Lemke, D. Grinnell, A. DiBernardo, M. Anastasi. The minutes from the previous meeting were read and accepted, the following new concerns/requests were discussed, and recommendations made.

- Member Lemke received a complaint from Buffalo Pumps regarding the potholes on East Avenue. The street that goes in between the Buffalo Pumps buildings is considered East Avenue and is a city street. Member Frank contacted Mark Zellner (DPW Superintendent) who stated that the road will be fixed with in the next couple of weeks.
- 2) The city has been receiving numerous complaints regarding the broken railroad tracks on Niagara Falls Blvd. and Erie Avenue. Member Frank and member Meisenburg spoke with Mason Butler (CSX Supervisor) who informed us that they would be out on November 10th, Frank went to the CSX briefing prior to repair and was advised by Butler that his permit was pulled by Dave Sobol (New York State Department of Transportation). This meant that the intersection would not be shut down and he would only be able to fix one of the lanes where the railroad was broke. Butler informed Frank that the railroad tracks would be fixed sometime next year. Frank advised Mayor Pappas.
- 3) Member Grinnell received a complaint regarding there not being a stop line at Strad Street by Erie Avenue. Member Meisenburg will take care of this in the spring.

Meeting adjourned at 2000 hours.

Travel safely, Robert J. Frank

MOVED by AldermanZadzilkaSECONDED by AldermanTylecThat the Common Council hereby receives and files the Traffic Safety minutes from theirNovember meeting.Ayes:Alderman Schmigel, DiBernardo, Zadzilka, Tylec, Pecoraro(5)Nays:None(0)CARRIED.

XXV. Monthly Reports

.1 Clerk-Treasurer .2 Police Department

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

COMMUNICATIONS FROM OTHERS

A. Historic Preservation Commission

December 1, 2021

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

Dear Mayor Pappas and City Council,

The Historic Preservation Commission has passed a motion to designate a hitching post near 286 Goundry Street as a Local Landmark. This hitching post dates from the development of the neighborhood, approximately 1890-1900. This is the last hitching post on City property and is made of carved Medina sandstone. It reflects the historic character and fabric of the surrounding Sweeney Estate National Register Historic District and the Downtown Local Historic District.

As part of this process, there was a public hearing on November 23, 2021 in the Council Chambers discussing this application and offering a comment period. The Historic Preservation Commission requests that the Council makes a motion to accept and approve this Local Landmarking application.

This historic marker is currently in City storage as a it was removed temporarily as a result of settling over the past 150 years. The hitching post should be reset into the ground using NYSDOT Type 304 material. This is commonly referred to as subbase or structural fill and will allow for a semipermanent foundation that both protects the marker from future uneven settling and any irreversible damage. This location would maintain the historical accuracy of this object and the historic fabric of the Sweeney Estate District. They are objects of great interest and value to the community.

If this hitching post receives designation, it will ensure documentation and protection in the future should there be any maintenance work required for utilities or roads or proposed alterations to the site.

Thank you, Kristin Derby NT Historic Preservation Commission

MOVED by Alderman TylecSECONDED by Alderman DiBernardoThat the Common Council hereby accepts and approves the attached application, from the
Historic Preservation Commission, designating a hitching post near 286 Goundry Street as
a Local Landmark, subject to review by the City Attorney.Ayes: Alderman Schmigel, DiBernardo, Zadzilka, Tylec, Pecoraro(5)
(0)Nays: None(0)CARRIED.

AUDIENCE PARTICIPATION

<u>Michelle Bernas 239 East Avenue</u> – Just wanted to invite the Mayor and Council to the Sensory Santa Workshop.

ADJOURNMENT

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

Time of Adjournment: 7:00 P.M.

Respectfully submitted,

Jana L. Braun

Donna L. Braun City Clerk-Treasurer