

COMMUNICATIONS FROM CITY OFFICIALS

#1. Katherine Alexander

December 7, 2021

Mayor Arthur Pappas
City of North Tonawanda
216 Payne Avenue
North Tonawanda, NY 14120

Mayor Pappas:

Please accept this letter as my resignation as Acting City Court Judge effective at the end of the day, Friday December 17, 2021. As a life-long resident of North Tonawanda, it has been a great pleasure serving our community.

I want to acknowledge the hard work and efforts of all my colleagues in the court throughout this last year and half as we worked through the COVID-19 pandemic. I am extremely proud that even within this pandemic climate we were able to get a Mental Health Treatment Court up and running for the residents of North Tonawanda, an issue which has grown even worse as an outcome of the pandemic.

Thank you for the confidence you showed in appointing me City Court Judge.

Sincerely,
Katherine D. Alexander

MOVED by Alderman Pecoraro **SECONDED** by Alderman DiBernardo
That the Common Council hereby receives and files the letter of resignation from Katherine D. Alexander, as Part-Time City Court Judge for the City of North Tonawanda, effective end of day December 17, 2021.

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

Nays: None (0)

CARRIED.

#2. Robert Pecoraro

December 15, 2021

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

Dear Honorable Body:

During the summer we passed a Local Law Establishing a Six-Month MORATORIUM on Applications, Approvals, and /or Construction or installation on Solar Energy Systems/and or Solar Farms. Since the 6-month period is about to expire, I desire a vote during our December 21st Common Council meeting to extend this moratorium another 6-months to give us more time to get the right procedures in place and protect the residents.

My thanks to our North Tonawanda City Clerk-Treasurer Donna Braun and Building Inspector Rob DePaolo for engaging the Council with a proposal on moving forward. It is my intent to not use the entire 6-months as we close in on the right procedures for the future while protecting our residents from outside interference.

Please let me know if you have any questions.

12-21-2021

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

MOVED by Alderman Pecoraro SECONDED by Alderman Tylec
That the Common Council hereby approves extending the Local Law Establishing a Six-
Month MORATORIUM on Applications, Approvals, and /or Construction or installation
on Solar Energy Systems/and or Solar Farms, another 6-months, subject to review by the
City Attorney.

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

#3. Eric Zadzilka

December 16, 2021

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

Donna,

As the Chairman of the NT Way Forward Committee, I am hereby submitting to the NT common council the final recommendations and our NT public survey results finding that it is in the best interest of the city of North Tonawanda to Opt-in to allow Marijuana dispensaries and on-site marijuana consumption locations/businesses in NT. Please find our summation and survey data report submitted via email and place these items on the agenda for the next Tuesday December 21, 2021 Council meeting to be voted on and adopted at this meeting to comply with the December 31st deadline set by NYS. We have collectively put together guidelines for the Council to decide how we should Opt in with public health and safety being paramount.

Sincerely,
Eric Zadzilka
NT 3rd Ward Alderman
NT Way Forward Committee Chairman

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro
That the Common Council hereby approves the City of North Tonawanda to Opt-in to
allow Marijuana dispensaries and on-site marijuana consumption locations/businesses in
the City of North Tonawanda, subject to review by the City Attorney.

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

II. Attorney

December 15, 2021

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

Re: Proposed Lease Agreement between Tenants at Weatherbest Slip and
City of North Tonawanda

Dear Honorable Body:

Attached, for your consideration, is the proposed new Lease Agreement between our tenants at Weatherbest Slip and the City of North Tonawanda. Please note that the proposed term is five (5) years, beginning June 1, 2022.

Should your Honorable Body concur, please pass a resolution approving the changes to the Lease Agreement, subject to any further review by the City Attorney.

Very truly yours,
 Luke A. Brown
 City Attorney

MOVED by Alderman Zadzilka **SECONDED** by Alderman Schmigel
 That the Common Council hereby approves the attached lease agreement between Tenants at Weatherbest Slip and City of North Tonawanda for a proposed term of five (5) years, beginning June 1, 2022, subject to further review by the City Attorney.

Ayes: Alderman Schmigel, DiBernardo, Zadzilka, Pecoraro (4)

Nays: Alderman Tylec (1)

CARRIED.

III. Clerk-Treasurer

December 15, 2021

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

Dear Honorable Body,

I would like to take the opportunity to recommend some changes in stall rates at the North Tonawanda Farmers Market. Our rates have not seen an increase since 2018. We continue to work with the vendors to make our Farmer's Market a great experience for both the Vendors and our visitors to the Market.

Our current yearly rate for market space is \$300.00, I recommend raising the rate to \$400.00. I also would recommend raising half of year rate from \$225.00 to \$275.00, along with the daily rate from \$25.00 to \$35.00.

We take great pride in our market and will see improvements in the coming year.

Respectfully,
 Donna L. Braun
 City Clerk-Treasurer

MOVED by Alderman Tylec **SECONDED** by Alderman Pecoraro
 That the Common Council hereby grants approval to raise the North Tonawanda City Farmer's Market Vendor stall rates to \$400 for a full year, \$275 for half a year and \$35 for daily rate, subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

IV.1 Engineer

December 10, 2021

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

Re: Project 2019-03 – PIN 5763.51 Bike Path Connection to the Empire State
 Trail, Award of Contract

Dear Honorable Body:

On December 7, 2021 three bids were received and opened by the City Clerk for the PIN 5763.51 City of North Tonawanda Bike Path Connection to the Empire State Trail Project. The Results are as follows:

Base Bid:

- | | |
|-------------------------------------------------|--------------|
| 1. 4 th Generation Construction Inc. | \$508,451.00 |
| 2. Milherst Construction | \$558,152.00 |
| 3. Scott Lawn Yard Inc. | \$666,728.50 |

Base Bid + Add Alt 1

- | | |
|-------------------------------------------------|--------------|
| 1. 4 th Generation Construction Inc. | \$535,111.00 |
| 2. Milherst Construction | \$590,052.00 |
| 3. Scott Lawn Yard Inc. | \$687,678.50 |

The Engineering Department and the City's Engineering Consultant, C&S Companies, see attached letter, have reviewed the bid results and are recommending award of the Contract Base Bid + Add Alt. 1. Accordingly, I respectfully request that the Common Council award the City of North Tonawanda Bike Path Connection to the Empire State Trail Contract to 4th Generation Construction, 5650 Simmons Avenue, Niagara Falls, NY 14304, at their low Base Bid + Add Alt. 1 in the amount of \$535,111.00, contingent on NYSDOT approval; authorizing the Mayor to sign said contract subject to review by the City Attorney.

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

MOVED by Alderman DiBernardo SECONDED by Alderman Schmigel
 That the Common Council hereby awards the contract for the Bike Path Connection to the Empire State Trail, Project 2019-03 – PIN 5763.51, to 4th Generation Construction, 5650 Simmons Avenue, Niagara Falls, NY 14304, at their low Base Bid + Add Alt. 1 in the amount of \$535,111.00, contingent on NYSDOT approval; and authorizes the Mayor to sign said contract subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

IV.2 Engineer

December 10, 2021

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

Re: Project 2018-13: ESD Smart Growth Funds Downtown North Tonawanda
 Placemaking Project, Approval of Change Order No. 2

Dear Honorable Body:

Approval of Change Order No. 2 for the ESD Smart Growth Funds Downtown North Tonawanda Placemaking Project is hereby requested. The change order is for the additional cost of changes made to the project. Attached is a change order listing the additions that were performed on this project and their associated costs.

Accordingly, I respectfully request that the Common Council approve add Change Order No. 2 for ESD Smart Growth Funds Downtown North Tonawanda Placemaking Project in the amount of \$30,918.58 with 4th Generation Construction Inc., 5650 Simmons Avenue, Niagara Falls, NY 14304; increasing the contract amount from \$1,348,128.25; to the contract amount of \$1,379,046.83; authorizing the Mayor to sign said change order.

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

MOVED by Alderman Pecoraro **SECONDED** by Alderman DiBernardo
That the Common Council hereby approves Change Order No. 2 for ESD Smart Growth Funds Downtown North Tonawanda Placemaking Project in the amount of \$30,918.58 with 4th Generation Construction Inc., 5650 Simmons Avenue, Niagara Falls, NY 14304; increasing the contract amount from \$1,348,128.25; to the contract amount of \$1,379,046.83; and authorizes the Mayor to sign said change order, subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

VII. Accountant

December 16, 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 21st, 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 DiBernardo **SECONDED** by Alderman Schmigel
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated December 21, 2021, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$236,020.15
02	Water Fund	17,651.49
04	Sewer Fund	138,207.83

06	Capital Project Fund	8,808.28
07	Trust & Agency Fund	<u>9,506.86</u>
00	Final Total	\$ <u>410,194.61</u>

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

XXV. Monthly Reports

.1 Senior Citizen Center .2 Clerk-Treasurer

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

LATE COMMUNICATION

MOVED by Alderman Zadzilka SECONDED by Alderman DiBernardo
 To bring the following communications to the floor.
 Ayes: Alderman Schmigel, DiBernardo, Zadzilka, Tylec, Pecoraro (5)
 Nays: None (0)
CARRIED.

#1.
 Mayor

December 20, 2021

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

Re: Appointment to part-time City Court Judge of North Tonawanda

Dear Honorable Body:

Please be advised that I am appointing Luke A. Brown, 1111 Walck Road, North Tonawanda, NY 14120 to part-time City Court Judge of North Tonawanda. This will be a six-year term commencing December 20, 2021 and ending December 19, 2027.

Thank you for your attention to this matter.

Sincerely,
 Arthur G. Pappas
 Mayor

MOVED by Alderman DiBernardo SECONDED by Alderman Schmigel
 That the Common Council hereby receives and files the appointment of Luke A. Brown, 1111 Walck Road, North Tonawanda, NY 14120 to part-time City Court Judge for the City of North Tonawanda, effective December 20, 2021 and ending December 19, 2027.
 Ayes: Alderman Schmigel, DiBernardo, Zadzilka, Pecoraro (4)
 Nays: Alderman Tylec (1)
CARRIED.

AMENDED 12/28/2021

#2.
Attorney

December 20, 2021

Hon. Mayor and Common Council
216 Payne Avenue
North Tonawanda, NY 14120

Re: Resignation as City Attorney

Dear Honorable Body:

Please be advised that I have been offered and accepted Mayor Pappas' appointment as Part Time North Tonawanda City Court Judge. This appointment is effective December 20, 2021 through December 19, 2027. As such, I am resigning my position as City Attorney effective immediately.

I would like to thank the citizens of North Tonawanda for allowing me to represent the City the past five (5) years. I would also like to thank Assistant City Attorney, Nicholas B. Robinson, and Legal Stenographer, Linda Krempa, for their dedication to the City Attorney's Office. Finally, I would like to thank Mayor Pappas, the Common Council, City Clerk-Treasurer Donna Braun and all of the City Employees for their commitment in moving North Tonawanda forward. I look forward to continuing to serve the City in my new capacity.

Very truly yours,
Luke A. Brown
City Attorney

MOVED by Alderman Zadzilka SECONDED by Alderman DiBernardo
That the Common Council hereby receives and files the letter of resignation from Luke A. Brown, 1111 Walck Road, North Tonawanda, as City Attorney of North Tonawanda, effective December 19, 2021.

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

#3.
Mayor

December 20, 2021

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

Re: Appointment to Land Bank's Board of Directors

Dear Honorable Body:

Please be advised that I am appointing Robert C. DePaolo, 304 Shartle Pl, Apt.1, North Tonawanda, NY 14120 to Land Bank's Board of Directors to fill a vacancy, for a two (2) year term, effective retroactively from December 5, 2021 to December 4, 2023.

Thank you for your attention to this matter.

Sincerely,
Arthur G. Pappas
Mayor

MOVED by Alderman DiBernardo SECONDED by Alderman Tylec
That the Common Council hereby receives and files the appointment of Robert C. DePaolo,
304 Shartle Pl, Apt.1, North Tonawanda, NY 14120 to the Land Bank's Board of Directors,
effective retroactively from December 5, 2021 to December 4, 2023.

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

Nays: None (0)

CARRIED.

#4.

Accountant

December 17, 2021

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

Dear Honorable Body:

To properly complete the financial activities of the City for Fiscal year end December 31st, 2021, I request that the common council authorizes City Accountant to make any necessary budget transfers or amendments for sanctioned expenditures, accrued liabilities, accounts payable and encumbrances, at December 31st, 2021.

It should be noted that Department heads are still responsible and accountable for their financial actions. Approval of this recommendation will ensure that no appropriation accounts or operating funds are over-obligated at year-end.

These Actions will be reflected in the municipality's year end appropriation ledgers, the audited 2021 financial statements and our Annual Update Document, which is sent to the New York State Comptroller's Office. If I can be any further assistance, please do not hesitate to reach out.

Warm regards,
Jeffrey Zellner
City Accountant

MOVED by Alderman Pecoraro SECONDED by Alderman Zadzilka
That the Common Council hereby grants permission for the City Accountant to make any necessary budget transfers or amendments for sanctioned expenditures, accrued liabilities, accounts payable and encumbrances, for year ending December 31, 2021.

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

Nays: None (0)

CARRIED.

#5.

Accountant

December 17, 2021

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

Dear Honorable Body:

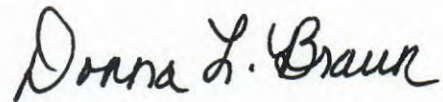
please review and approve the attached 2022 Season part-time wage schedule.

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: 8:05 P.M.

Respectfully submitted,



Donna L. Braun
City Clerk-Treasurer