THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, March 4, 2014
6:30P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT RIZZO

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:	**President Rizzo** **Alderman Needler, Clark, Zadzilka, Braun**
Absent:	**None**
Also Present:	**Mayor Robert G. Ortt** **City Attorney Shawn Nickerson**

APPROVAL OF THE MINUTES OF THE REGULAR SESSION FEBRUARY 18, 2014

MOVED by Alderman Zadzilka SECONDED by Alderman Needler
That the minutes of the regular session held February 18, 2014 be approved as circulated and filed in the Office of the City Clerk.
CARRIED.

PROOF OF PUBLICATION PUBLISHED JANUARY 29, 2014 & FEBRUARY 5, 2014

1) Legal Notice – Collection of 2014 Niagara County Taxes – City Clerk-Treasurer

PROOF OF PUBLICATION PUBLISHED FEBRUARY 7, 2014

1) Legal Notice – Sewer Use Ordinance Chapter 75 – WWTP

PROOF OF PUBLICATION PUBLISHED FEBRUARY 12, 2014

1) Bid – 2014 or Newer Freightliner – DPW

MOVED by Alderman Zadzilka SECONDED by Alderman Rizzo
That the Common Council hereby receives and files the aforementioned Proofs of Publication.
CARRIED.

AUDIENCE PARTICIPATION – None

COMMUNICATIONS FROM CITY OFFICIALS

II. Attorney

January 31, 2014

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

Re: Workplace Violence & Abusive Work Environment Prevention Program

Dear Honorable Body:

In 2009, the City Council passed a Workplace Violence Prevention Policy for the City. Since that time, legislation and guidance from PESH has more specifically stated what needs to be included in the policy that is adopted by employers. Attached, please find a draft of an updated Workplace Violence Prevention Policy.

In drafting an updated policy, it has also come to my attention that City employees wish for this policy to also include language regarding bullying situations. Included in this update is language specific to incidents in an "abusive work environment." This language stems from New York State legislation that should it be enacted, sets forth definitions and criteria for liability for bullying in the workplace. Violations of both workplace violence and abusive work environment, under this policy, would now be reported in the same manner, creating uniformity for the employees of the City. Please do not hesitate to contact me regarding questions or concerns of this updated policy. Also, should you like to discuss this further, I would be more than willing to address and questions at a future Council workshop.

Very truly yours,
Katherine D. Alexander
Assistant City Attorney

MOVED by Alderman Needler SECONDED by Alderman Clark
That the Common Council hereby approves the Workplace Violence Prevention and Abusive Work Environment Prevention Program as follows:

CITY OF NORTH TONAWANDA
WORKPLACE VIOLENCE & ABUSIVE WORK ENVIRONMENT PREVENTION PROGRAM

INTRODUCTION

The City of North Tonawanda, New York is committed to providing a safe work environment for all employees. The City of North Tonawanda will respond promptly to threats, acts of violence, and acts of aggression by employees or against employees by co-workers, members of the public or others. In the interest of providing a workplace environment free from acts and threats of violence, the City of North Tonawanda (the "City") has adopted this ZERO tolerance policy.

The term "workplace violence" is defined as any physical assault, threatening behavior or verbal abuse occurring in the work setting. The City of North Tonawanda prohibits workplace violence and will not tolerate violence, threats of violence, or intimidating or bullying conduct in the workplace. Prohibited conduct includes, but is not limited to:

- Acts and/or threats of violence by or against any employee, customer, contractor or visitor of the City
- Acts and/or threats of violence by off-duty employees while on City property
- Acts and/or threats of violence by off-duty employees against another employee, customer, contractor or visitor of the City are strictly prohibited, even if they occur away from the City's premises

- **Acts of vandalism or the intentional or reckless destruction of City property or equipment, or the property and equipment of City employees, customers, contractors, or visitors**
- **All employees, customers, contractors and visitors of the City are prohibited from possession of weapons or explosives of any kind (ex. Firearms, knives, mace, pepper spray etc.) while on duty or on City property, except law enforcement personnel and those who must do so in the course of their work. Waiver of this provision shall be given on an employment position basis by the City Attorney.**

PROHIBITED CONDUCT

No person may engage in violence conduct or make threats of violence, implied or direct, on City property, or while in work status for the City. This includes but is not limited to:

- **The use of force with the intent to cause harm, ex. hitting, striking, pushing, shoving, tripping an individual or throwing objects**
- **Threatening to harm an individual or his/her family, friends, associates, or their property, with intent to intimidate, threaten, coerce or cause fear of harm whether directly or indirectly**
- **Acts or threats made directly or indirectly by oral or written words, gestures or symbols that communicate a direct or indirect threat of physical or mental harm**
- **The intentional destruction or threat of destruction of property and/or equipment owned, operated or controlled by the City**
- **Making harassing or threatening telephone calls, letters or other forms of written or electronic communications**

CITY MAYOR

The Mayor shall be responsible for the implementation of this policy. The responsibility includes distribution of this policy to members of the city workforce, ensuring appropriate investigation and follow-up reported incidents of workplace violence, appointing a workplace violence advisory team, and ensuring that administrators, managers and supervisors are aware of their responsibilities under this policy through internal communications and training.

WORKPLACE VIOLENCE ADVISORY TEAM

The Mayor will establish a Workplace Violence Advisory Team. This team, working with the Mayor will assist/advise the Mayor to:

- **Perform a risk evaluation of the workplace to determine the presence of factors or situations that might place employees at risk of workplace violence; a risk evaluation must be completed on an annual basis**
- **Assess the readiness for dealing with workplace violence**
- **Facilitate appropriate responses to reported incidents of workplace violence;**
- **Assess the potential problem of workplace violence and recommend policy, training issues, or security procedures that should be implemented to maintain a safe working environment;**
- **Evaluate incidents to prevent future occurrences**
- **Utilize prevention, intervention, and interviewing techniques in responding to workplace violence**
- **Develop workplace violence prevention tools (such as pamphlets, guidelines and handbooks) to assist in recognizing and preventing workplace violence**
- **Arrange regularly scheduled workplace violence prevention training sessions for employees**

IDENTIFICATION OF RISKS

The City has identified the following potential risks:

- **Irate residents who may be or become angry over a decision or action of a City employee, Board or other decision maker**
- **Individuals who are or appear to be under the influence of alcohol or drugs**
- **Individuals who become or may become angry at a City athletic or recreation event**

- **Individuals who seek to steal money or other City property**
- **Violence or threats directed to City employees for personal reasons, by their family members, partners or other individuals**
- **Individuals who become angry with City employees after an accident**
- **Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of the City**
- **Harassing surveillance, also known as "stalking," the willful, malicious and repeated following of another person and making a credible threat with intent to place the other person in reasonable fear of his or her safety**
- **Making a suggestion or otherwise intimidating that an act to injure persons or property is "appropriate," without regard to the location where such suggestion or intimidation occurs**
- **Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on City property**
- **Intimidating, belligerent, harassing, bullying or other inappropriate and aggressive behavior**
- **Numerous conflicts with supervisors and other employees**
- **Drug/alcohol abuse**
- **Extreme changes in individual's behavior**
- **Employment situations/factors including**
    - **Working in public setting**
    - **Working late night or early morning hours**
    - **Exchanging money with the public**
    - **Working alone or in small numbers**
    - **Working in a setting with uncontrolled access to the workplace**
    - **Working in a setting where previous security problems have occurred**
    - **Having a mobile workplace assignment**
    - **Working with a population which might expose one to potentially violent persons (ex. Health care, social service or criminal justice)**
    - **Having duties that include the delivery of passengers, goods or services**
    -
- **Employee issues**
    - **Negative performance review**
    - **Unwelcomed change in role due to performance or reorganization**
    - **Criticism of performance**
    - **Increased workload or pressure**

METHODS TO PREVENT WORKPLACE VIOLENCE

The City will attempt to minimize and prevent workplace violence. Among the measures, the City will:

- **Where appropriate, provide employees with cellular telephones so that emergency assistance may be summoned**
- **Discourage individuals from working alone**
- **Where possible and appropriate, install barriers between employees and members of the public**
- **Maintain good lighting**
- **Post signs stating that limited cash is on hand**
- **Minimize the amount of cash on hand**
- **Establish and implement a system for reporting incidents of aggressive or bullying behavior**
- **Institute a program of periodic training for employees as appropriate**
- **In response to telephone inquiries, do not release information about coworkers' schedules, home or cell phone numbers or other personal information**
- **In the event of suspicious conduct, request the credentials of any stranger who enters your office to do repair or other service work. If necessary, verify the work request with the supervisor**

ABUSIVE WORK ENVIRONMENT

The City also has a zero tolerance policy for reports of an employee having to work in an abusive work environment. An abusive work environment means an employment condition where one or more employees acting with intent to cause pain or distress to an employee, subjects that employee to abusive conduct that causes physical harm, psychological harm or both.

Abusive conduct means acts, omissions or both that a reasonable person would find abusive, based on the severity, nature and frequency of the conduct, including, but not limited to:

- **Repeated verbal abuse such as the use of derogatory remarks, insults and epithets**
- **Verbal, non-verbal or physical conduct of a threatening, intimidating or humiliating nature, or**
- **The sabotage or undermining of an employee's work performance.**

It shall be considered an aggravating factor if the conduct exploited an employee's known psychological or physical illness or disability. A single act normally shall not constitute abusive conduct, but an especially severe and egregious act may meet this standard.

Reports of an abusive work environment shall be made pursuant to reports under this policy.

REPORTS OF VIOLATIONS

The City will not tolerate any violations of this policy. Any violations of this policy must be reported, in writing, to the employee's supervisor immediately. Reports or incidents that warrant confidentiality will be handled appropriately and information will only be disclosed on a need-to-know basis.

Any person experiencing or witnessing imminent danger or personal injury or violence involving weapons or actual violence should call 911 immediately.

The Supervisor, upon receipt of a written report of a violation of this policy shall immediately conduct a preliminary inquiry into the facts and circumstances and determine if there is

1. **An immediate threat of violence. If so, the local police and emergency medical personnel shall be notified if not already done, and thereafter follow the procedures outlined below in (2) and (3)**
2. **Serious misconduct or criminal behavior by a City employee. If so the supervisor/City Attorney shall investigate and involve law enforcement if necessary.**
3. **No immediate threat of violence and no serious misconduct or criminal behavior by a City employee. In that event the Supervisor/City Attorney will:**

    a. **Continue the investigation**
    b. **Resolve/mediate the matter**
    c. **Initiate disciplinary action, if appropriate**

Individuals found to be in violation of this policy may be removed from City property.

Employees who commit a violation of this policy may be subject to disciplinary action up to and including discharge, criminal prosecution and/or civil prosecution as appropriate.

SUPERVISORS

Each department head, executive officer, administrator, or other person with supervisory responsibility (hereinafter "supervisor") is responsible within his/her area of jurisdiction for the implementation of this policy. Supervisors are required to contact the City of North Tonawanda Police Department immediately in the event of imminent or actual violence involving weapons or potential physical injuries. Supervisors must also inform their immediate supervisor, if any, and the City Attorney about any complaints, acts or threats under this policy even if the situation has been addressed and resolved. Every supervisor is

also obligated to report any knowledge of such conduct to the Office of the Mayor immediately. Failure of a supervisor to investigate and initiate appropriate action may result in administrative action including possible discipline.

RETALIATION

Retaliation against an employee who makes a good faith report of violence or other disruptive behavior is strictly prohibited and shall be subject to appropriate corrective or disciplinary measures. An employee, who, in bad faith makes a false report, is also subject to disciplinary action.

POLICY DISTRIBUTION

All employees and contractors of the City will be given copies of this Policy. All new employees will be provided with a copy of this policy at the time of their orientation. Additional copies of this Policy will be posted at designated locations in the workplace. The City will provide opportunities for employees to be trained in the risk factors associated with workplace violence, and proper handling of emergency situations in order to minimize the risks of violent incidents occurring in the workplace.

Ayes: Needler, Clark, Zadzilka, Braun, Rizzo (5)
Nays: None (0)
CARRIED.

III. Clerk-Treasurer

February 18, 2014

Honorable Mayor and Common Council
216 Payne Avenue, City Hall
North Tonawanda, New York 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 parcels:

176.17-2-40	1183 Payne Avenue	Foster, Melvin & Sue

Therefore, please pass the necessary resolution withdrawing this parcel from the appropriate In Rem proceeding.

Thank you for your cooperation.

Very truly yours,
Scott P. Kiedrowski
City Clerk-Treasurer

MOVED by Alderman Zadzilka SECONDED by Alderman Braun
That the Common Council hereby authorizes the City-Clerk Treasurer to remove the following parcels from the In Rem Proceedings:

176.17-2-40	1183 Payne Avenue	Foster, Melvin & Sue

Ayes: Needler, Clark, Zadzilka, Braun, Rizzo (5)
Nays: None (0)
CARRIED.

VII. Accountant

February 28, 2014

Honorable Robert G. Ortt, Mayor
and Common Council
City Hall
North Tonawanda, New York 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 March 4, 2014, and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Very truly yours,
Mark W. Dotterweich
City Accountant

MOVED by Alderman SECONDED by Alderman
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated March 4, 2014 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	$833,707.99
02	Water Fund	58,295.59
04	Sewer Fund	50,678.17
06	Capital Project Fund	21,667.00
	Final Total	$964,348.75

Ayes: Needler, Clark, Zadzilka, Braun, Rizzo (5)
Nays: None (0)
CARRIED.

XVII. Traffic Safety

February 26, 2014

Scott Kiedrowski
City Clerk-Treasurer
216 Payne Avenue
North Tonawanda, NY 14120

Traffic Safety Minutes:

The February meeting of the North Tonawanda Traffic Safety Committee was called to order at 1900 hours. Roll call showed the following members present: J. Sikora, A. Vater, R. Frank, M. Lemke, E. Smolinski, and M. Anastasi. The minutes from the previous meeting were read and accepted. The following new concerns were discussed and recommendations made:

1. City Engineer Dale Marshall was invited to the meeting to report on intersection plans for the Meadow Drive extension. Drawings should be complete soon and will be brought to a future meeting for review and input. Traffic concerns at the intersection of Payne Avenue and Walck Road were also discussed. Mr. Marshall will look into this and report back in the future.

2. Member Smolinski was approached by the resident at 162 DiMatteo Drive to remove an old "Children at Play" sign in front of his home. A motion by Smolinski with a second by Vater to remove the sign was carried.

3. A concern with parking along Zimmerman Street was received from a resident at 2995 River Road, Buffalo, NY. The concern was discussed and members Vater and Frank will watch the area and make recommendations at the March meeting.

4. Pedestrian and vehicle traffic on Robinson Street near Bryant, by the City Market, were discussed. John Long,, Market Director was contacted and stated there is no problem as long as Auxiliary Police are on scene to assist with traffic. The area will be monitored as the weather improves and attendance at the market increases to watch for problems.

5. A request from Corrine Martin, 716-531-5157, regarding the traffic signal at the intersection of Oliver and Felton Streets was discussed. The Committee does not see a problem in this area and does not recommend any action taken on the matter.

6. Angelo Borgesse, Civil Engineer with NYS DOT, was contacted on February 26, 2014, with concerns with timing of the traffic signals located at River Road and Goundry Street as well as River Road and Main Street. He will order traffic counts and check the timing of the intersections.

7. A number of complaints were received from boaters, in the fall of 2013, requesting additional lighting and painting, in a different color, of the cleats on the City owned docks located at Gratwick Park. The Committee agrees with both concerns and recommends painting the cleats a different, more visible, color than the docks. Better lighting would benefit boaters with night time docking at the launch and is also recommended.

Meeting Adjourned at 2030 hours.

Respectfully submitted,
Joseph D. Sikora, Chairman

MOVED by Alderman Zadzilka SECONDED by Alderman Needler
That the Common Council hereby receives and files the aforementioned Traffic Safety Minutes as submitted with the exception of item #2 regarding the removal of a "Children at Play" sign which will be replaced at an alternate location at a future date.
CARRIED.

XXVI. Vacation & Sick Leave Reports

.1 Public Works

MOVED by Alderman Rizzo SECONDED by Alderman Zadzilka
To receive and file the aforementioned Vacation & Sick Leave Reports.
CARRIED.

COMMUNICATIONS FROM OTHERS

A.
OLC Church

February 21, 2014

Scott Kiedrowski
216 Payne Avenue
North Tonawanda, New York 14120

Via Electronic Delivery Only

Re: August 24, 2014; Our Lady of Czestochowa Feast Day Celebration
Request for Approval of 5K Run

Dear Scott:

Please allow this letter to serve as the formal request from Our Lady of Czestochowa Parish to the City of North Tonawanda Common Council for approval of a 5K Run and 1 Mile Fun Walk on Sunday, August 24, 2014.

Briefly and similar to last year, the Parish is hosting a celebration in honor of the Feast Day of Our Lady of Czestochowa. The Church is proposing a 5K Run and 1 Mile Fun Walk as some of the many activities that will be held that day. Below is the information the Church has for the proposed 5K Run and 1 Mile Fun Walk:

WHEN: August 24, 2014

TIME: Approximately 11:15 a.m. (***May be subject to change to 11:00 am.)

WHERE: Between Center Avenue and 5th Avenue on Oliver starting
Similar Course to last year with assistance of Captain Zgolak

DISTANCE: 5K Run; 1 Mile Walk

Please advise whether you require any additional information for the initial approval. Additionally, please advise whether you would like a representative at the Common Council meeting to discuss the above and if so the date of the same.

Thank you for your time and we look forward to hearing from the North Tonawanda Common Council regarding the approval of the OLC 5K Run and 1 Mile Fun Walk.

Very truly yours,
Courtney J. Donahue, Parishioner

MOVED by Alderman Clark SECONDED by Alderman Rizzo
That the Common Council hereby grants permission to OLC Parish to host a 5K Run/1 Mile Walk on Oliver Street on Sunday, August 24, 2014 and directs the Police Department and the Department of Public Works to contact Courtney J. Donohue at OLC Parish at 693-3822 to coordinate street closings for the event.
Ayes: Needler, Clark, Zadzilka, Braun, Rizzo (5)
Nays: None (0)
CARRIED.

B.
William L. Paton

Date 02/27/14

North Tonawanda Common Council
216 Payne Avenue
North Tonawanda, New York 14120

Dear Honorable Body:

I am requesting to be appointed as a Commissioner of Deeds for the City of North Tonawanda.

Thank you.

Sincerely,
William L. Paton
55 5th Avenue
North Tonawanda, NY 14120

MOVED by Alderman Needler SECONDED by Alderman Zadzilka
That the Common Council hereby appoints William L. Paton, 55 5th Avenue, North Tonawanda, NY 14120 as a Commissioner of Deeds for the City of North Tonawanda effective March 5, 2014 expiring March 4, 2016.
Ayes: Needler, Clark, Zadzilka, Braun, Rizzo (5)
Nays: None (0)
CARRIED.

AUDIENCE PARTICIPATION

Ann Finkle, 896 Sun Valley Drive – Stated that since there were many potholes throughout the City that the Common Council should consider asphalt removal and go back to the old cobblestone roads than are still intact beneath. Stated that the old cobblestone roads were always very durable. Suggested that the City needs to continue tarring all of the cracks in the roads so the roads will last longer. Stated that she feels that many of the newly paved roads are not holding up during this harsh winter. Stated that crack sealing is very important.

Daniel Gazdobich, 61 Vandervoort – Asked the Common Council when the pothole repair would begin.

ADJOURNMENT

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

Time of Adjournment: 6:42P.M.

Respectfully submitted,

Scott P. Kiedrowski
City Clerk–Treasurer