

**THE HONORABLE BODY  
Council Chambers  
Municipal Building  
North Tonawanda, New York 14120  
Tuesday, September 15, 2015  
6:35P.M.**

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**REGULAR SESSION CALLED TO ORDER BY PRESIDENT RIZZO**

**PLEDGE OF ALLEGIANCE**

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**ROLL CALL**

**Present: President Rizzo  
Alderman Zadzilka, Braun, Schwandt, Pecoraro**

**Absent: None**

**Also Present: Mayor Arthur G. Pappas  
City Attorney Shawn P. Nickerson**

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**AUDIENCE PARTICIPATION - None**

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**APPROVAL OF THE MINUTES OF THE REGULAR SESSION SEPTEMBER 1, 2015**

**MOVED by Alderman Zadzilka                      SECONDED by Alderman Rizzo  
That the minutes of the regular session held September 1, 2015 be approved as circulated  
and filed in the Office of the City Clerk.  
CARRIED.**

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**PROOF OF PUBLICATION PUBLISHED AUGUST 19, 2015**

- 1) Legal Notice – Bids for the 2015 Storm Sewer Separation-Belling Place – Engineering  
Department**

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

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**COMMUNICATIONS FROM CITY OFFICIALS**

**II. Attorney**

**September 9, 2015**

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

**Re: Proposed Renewal of Rental Agreement between North Tonawanda City School  
District and City of North Tonawanda for the Use of Space in Grant Elementary  
School.**

**09-15-2015**



### III.2 Clerk-Treasurer

September 10, 2015

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

Re: Removal of High Bidder from City Owned In-Rem Auction Properties

Dear Honorable Body:

The high bidder for 191 Miller Street and 437 Kohl Street has decided to withdraw his bids for the aforementioned properties. I am requesting that the Council withdraw their approval for the sale of those properties to Scott & Victoria Kitchen of 234 Spaulding Street, North Tonawanda. The second highest bidder Donald Wagner, 190 East Avenue North Tonawanda has been contacted and would like to purchase 191 Miller Street. Mr. Wagner's total bid amount was \$12,000, so I am requesting your honorable body approve the sale of 191 Miller Street to Donald Wagner for his bid total of \$12,000.

Respectfully,  
Daniel R. Quinn  
City Clerk-Treasurer

MOVED by Alderman Rizzo

SECONDED by Alderman Zadzilka

That the Common Council hereby grants the request of Scott & Victoria Kitchen, 234 Spaulding Street to withdraw their bids for 191 Miller Street and 437 Kohl Street, and approves the sale of 191 Miller Street to Donald Wagner, 190 East Avenue at his bid amount of \$12,000 subject to review by the City Attorney.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo

(5)

Nays: None

(0)

CARRIED

### III.3 Clerk-Treasurer

September 11, 2015

Mayor and Common Council  
216 Payne Avenue  
North Tonawanda NY 14120

Re: Special Permit Fee for Mini Micro Cell Towers

Dear Honorable Body:

After discussing this topic with City Attorney Shawn Nickerson and Building Inspector Cosimo Capozzi we would like to recommend the Council's approval of a Special Permit Fee of \$2000 for Mini Micro Cell Towers. Companies will still have to be required to pay all relevant building permit fees for installation of said towers through the Building Inspectors Office.

Respectfully,  
Daniel R. Quinn  
Clerk-Treasurer

MOVED by Alderman Pecoraro

SECONDED by Alderman Schwandt

That the Common Council hereby approves of a Special Permit Fee of \$2000 for Mini Micro Cell Towers, this does not include required building permit fees that will be needed for installation of said towers through the Building Inspectors Office. Subject to review by the City Attorney.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo

(5)

Nays: None

(0)

CARRIED

## VI. Wastewater Treatment Plant

September 10, 2015

Honorable Mayor Arthur G. Pappas  
 And Common Council  
 216 Payne Avenue  
 North Tonawanda, New York 14120

Re: Award of bid for Aluminum Sulfate

Honorable Body:

On September 3, 2015 bids were received and opened for the purchase of Aluminum Sulfate. Aluminum Sulfate is used as a coagulant in the water filtration process.

After review of the bids, I recommend that the award go to the low bidder, Chemtrade Chemicals US LLC, 90 East Halsey Rd., Parsippany, New Jersey 07054 at \$240.00/dry ton and a three year contract. The award of the bid has been approved by the City Attorney.

Thank you for your consideration in this matter.

Sincerely,  
 David Scott  
 Superintendent Water/Wastewater

MOVED by Alderman Zadzilka                      SECONDED by Alderman Braun  
 That the Common Council hereby awards the bid for Aluminum Sulfate to Chemtrade Chemicals US LLC, 90 East Halsey Rd., Parsippany, New Jersey 07054 at their low bid amount of \$240.00/dry ton and a three year contract. Subject to further review by the City Attorney.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)

Nays: None (0)

CARRIED

## VII.1 Accountant

September 10, 2015

Honorable Arthur G. Pappas, Mayor  
 & Common Council  
 City Hall —216 Payne Avenue  
 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 September 15, 2015, 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 Pecoraro                      SECONDED by Alderman Zadzilka  
 That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated September 15, 2015 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$178,804.03
02	Water Fund	17,167.87
04	Sewer Fund	24,679.91
06	Capital Project Fund	<u>321,445.18</u>
00	Final Total	<u>\$542,096.99</u>

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)  
 Nays: None (0)  
 CARRIED

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## VII.2 Accountant

September 10, 2015

Honorable Arthur A. Pappas, Mayor  
 and Common Council  
 City Hall  
 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 transfers of fiscal year 2015 appropriations, based on the request of the Department Head, copy attached:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>From: Appropriation Account</u>	<u>Into: Appropriation Account</u>
5	25,000.00	2-8330.100 Personal Services	2-8330.480 Operations

Very truly yours,  
 Mark W. Dotterweich  
 City Accountant

MOVED by Alderman Zadzilka                      SECONDED by Alderman Rizzo  
 The Common Council hereby authorizes the City Accountant to make the following transfers of fiscal year 2015 appropriations, based on the request of the Department Head:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>From: Appropriation Account</u>	<u>Into: Appropriation Account</u>
5	25,000.00	2-8330.100 Personal Services	2-8330.480 Operations

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)  
 Nays: None (0)  
 CARRIED

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## XXV. Monthly Reports

.1 Clerk-Treasurer                      .2 Senior Center

MOVED by Alderman Rizzo                      SECONDED by Alderman Schwandt  
 That the Common Council hereby, approves the aforementioned Monthly Reports.  
 CARRIED

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**COMMUNICATIONS FROM OTHERS**

A.  
Erin DeVantier

August 30, 2015

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

Dear Honorable Body:

Meadowbrook Drive would like to hold their annual block party during the day on Saturday, September 19<sup>th</sup>. We are asking for the street to be blocked off from the corner of Meadowbrook/Harvard to the corner of Meadowbrook/Cambridge. We would like to set up the block party around 10AM, so if we could have approval to block off the street from 10AM until 10PM, it would be very much appreciated. Thank you very much. Any questions, please feel free to call me at 693-4229.

Thank you,  
Erin DeVantier

MOVED by Alderman Zadzilka                      SECONDED by Alderman Schwandt  
That the Common Council hereby grants permission to Erin DeVantier for Meadowbrook Drive to hold their annual block party on Saturday, September 19, 2015 from 10AM to 10PM, also directs the DPW to block off Meadowbrook Drive at Harvard and Cambridge for said event.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo

(5)

Nays: None

(0)

CARRIED

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B.  
Maurie Dewey

September 4, 2015

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

Dear Mayor Pappas,

Our community, my wife, and I wish to invite you and your family and friends to our Block-toberfest to be held from 4PM to 11PM on September 26, 2015 on Christiana Street between Falconer and Bryant Streets.

It would be beneficial if the DPW could drop off barricades to close off the area mentioned between 11AM and 12PM that day.

Affixed is a flyer of the event. Good food, good entertainment, and good friends. Please come!

Thank you for your consideration,  
Maurie Dewey

MOVED by Alderman Pecoraro                      SECONDED by Alderman Braun  
That the Common Council hereby grants permission to Maurie Dewey to hold their Block-Toberfest from 4PM to 11PM on September 26, 2015 on Christiana Street between Falconer and Bryant Streets, and also directs the DPW to drop off barricades to close off the area mentioned between 11AM and 12PM for said event.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo

(5)

Nays: None

(0)

CARRIED.

C.  
WNY Boot Camp Foundation

September 10, 2015

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

Re: Resource requirements for Heroes Runs Race from City of North Tonawanda

Dear Council:

I was a pleasure meeting with all of you in regards to considering allowing us to enter into North Tonawanda November 7, 2015 for the Heroes Run Event. Your valuable time is greatly appreciated.

What we would request as participation with the event from the City is the following:

- Ability to have the Seymore St Bridge West lane close until runners can re-enter onto the existing bike path all going North till where it ends a Gratwick Waterfront Park.
- Volunteers help from the Police and Fire Departments Auxiliary members. This is to help control traffic to and from the bridge and the path. EMT Units to help if there is a medical concern for a participant or bystander while in the area. Heroes Run will secure driveways and paths along the path. If any are also still enrolled in school we will also include to them a Volunteer Letter for their helping in this event.
- Help from the Auxiliary Police to keep path clear of non-participants once we enter into North Tonawanda. Heroes Run could not legally authorize a person off the path whereas from an official point they may be able to. We do not see any concern, but felt best to address prior.
- If the City could get out the events information in their community paper, website, or social media.
- Heroes Run has contacted Modern Disposal in regards to Porta-Potties and Recycle bins along the path.
- 865<sup>th</sup> USAR Combat Medical Unit will assist with transporting participants to medical stations in emergency situations.

I believe these were the main issues we discussed that you asked me to address. If there is anything missing I will amend this. Thank you.

Den Scott  
Heroes Run Director

MOVED by Alderman Pecoraro

SECONDED by Alderman Zadzilka

That the Common Council grants permission to have Heroes Run Race Event enter into North Tonawanda November 7, 2015 and also directs the Police Department and Fire Department to provide the following accommodations for the events:

- Ability to have the Seymore St Bridge West lane close until runners can re-enter onto the existing bike path all going North till where it ends a Gratwick Waterfront Park.
- Volunteers help from the Police and Fire Departments Auxiliary members. This is to help control traffic to and from the bridge and the path. EMT Units to help if there is a medical concern for a participant or bystander while in the area. Heroes Run will secure driveways and paths along the path. If any are also still enrolled in school we will also include to them a Volunteer Letter for their helping in this event.
- Help from the Auxiliary Police to keep path clear of non-participants once we enter into North Tonawanda. Heroes Run could not legally authorize a person off the path whereas from an official point they may be able to. We do not see any concern, but felt best to address prior.
- If the City could get out the events information in their community paper, website, or social media.

09-15-2015

- Heroes Run has contacted Modern Disposal in regards to Porta-Potties and Recycle bins along the path.
- 865<sup>th</sup> USAR Combat Medical Unit will assist with transporting participants to medical stations in emergency situations.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)  
 Nays: None (0)  
**CARRIED.**

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### LATE COMMUNICATIONS

**MOVED** by Alderman Zadzilka                      **SECONDED** by Alderman Pecoraro  
**To bring the following communication to the floor.**  
 Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)  
 Nays: None (0)  
**CARRIED.**

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#1  
 NT School District

September 3, 2015

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

**Re: Renewal of Join Use Agreement between North Tonawanda and City School District – 2015-2018**

Attached, for your review and comments, is the proposed renewal agreement between the City of North Tonawanda and the City School District for shared use of facilities. You will note that the term of the agreement is three years (2015-2018). If acceptable, I plan to place the agreement on the Common Council agenda for a vote on September 15, 2015.

Should you need more information, please do not hesitate to contact me.

Shawn P. Nickerson  
 City Attorney

**MOVED** by Alderman Pecoraro                      **SECONDED** by Alderman Zadzilka  
**The Common Council hereby approves the renewal agreement between the City of North Tonawanda and the City School District for shared use of facilities for (3) three years 2015-2018, subject to further review by the City Attorney.**  
 Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)  
 Nays: None (0)  
**CARRIED.**

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**MOVED** by Alderman Schwandt                      **SECONDED** by Alderman Rizzo  
**To bring the following communication to the floor.**  
 Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)  
 Nays: None (0)  
**CARRIED.**

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#2

NT Housing Development Corporation

September 14, 2015

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

Re: Bishop Gibbons Apartments

Dear Mayor and Council Members:

Please be advised that I am sending you this letter as a Board Member of the North Tonawanda Housing Development Corporation. The Corporation has been approached by an entity entertaining an opportunity to purchase the Bishop Gibbons Apartments. Historically, the North Tonawanda Housing Development Corporation served as a conduit for the initial financing of the Bishop Gibbons Apartment project and was the issuing entity for bonding for the development. In considering the proposed acquisition, an issue with a prohibition on prepayment of the outstanding bonds has been raised.

By the attached resolution of NTHDC, as reflected by minutes of a Board Meeting, NTHDC has allowed prepayment of the outstanding bonds. Please note that the resolution of NTHDC was made contingent on approval by the Common Council and the Mayor. The Board Members of NTHDC respectfully request your concurrence with the resolution adopted by NTHDC.

If you have any questions, the Board is available to address the same with this Honorable body.

Very truly yours,  
 Richard C. Kloch, Sr.

MOVED by Alderman Schwandt                      SECONDED by Alderman Zadzilka  
 The Common Council hereby grants permission to the NTHDC to allow prepayment of outstanding bonds for the Bishop Gibbons Apartments. Subject to further review by the City Attorney.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo (5)

Nays: None (0)

CARRIED.

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#### AUDIENCE PARTICIPATION

Kathy Kern 1248 Greenbrier Lane – Wanted to thank the City Workers for the work they did on her street repairing the water break. Said she asked a lot of questions and they answered all of them. Said they are a group of hard workers. Also thanked Public Works Superintendent Brad Rowles, Dale Marshall and Alderman Pecoraro, said he was at her house 10 minutes after she called him; when another water main broke just a couple of houses down. Stated she is looking forward to a new road at the intersection of Fairmont, Greenbrier, and Sun Valley. Said that the road is heaving and it does not have a pitch anymore. Said that all the breaks have occurred between the times of 4AM and 11AM, asked if something is going on that is causing these breaks or is it human error. She is calling on all residents not to park near a construction site, give the workers some space, and try not to drive near them. Again she said thank you to everyone involved.

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ADJOURNMENT

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

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Time of Adjournment: 6:54P.M.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Daniel R. Quinn".

Daniel R. Quinn  
City Clerk-Treasurer