

**THE HONORABLE BODY**  
**Council Chambers**  
**Municipal Building**  
**North Tonawanda, New York 14120**  
**Tuesday, September 1, 2015**  
**6:32P.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 -**

**Walt Yarro 170 Christiana Street - Wanted to know if the trees that are being put at the Railroad Museum the ones that the City are selling.**

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**APPROVAL OF THE MINUTES OF THE REGULAR SESSION AUGUST 18, 2015**

**MOVED by Alderman Pecoraro                      SECONDED by Alderman Zadzilka**  
**That the minutes of the regular session held August 18, 2015 be approved as circulated and filed in the Office of the City Clerk.**  
**CARRIED.**

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**PROOF OF PUBLICATION PUBLISHED JUNE 24, JULY 18 & AUGUST 22, 2015**

**1) Legal Notice – Notice of Foreclosure of Tax Liens by the City of North Tonawanda – City Clerk-Treasurer**

**MOVED by Alderman Rizzo                      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**

**III.1 Clerk-Treasurer**

**August 27, 2015**

**Honorable Arthur G. Pappas**  
**And Common Council Members**  
**North Tonawanda, NY 14120**

**09-01-2015**



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**IV.1 Engineer**

August 26, 2015

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

Re: Project 98-05, Roblin Steel Brownfield Site Remediation  
 Roblin Site Annual Groundwater Sampling and Testing  
 Amendment No.5 to Professional Services Agreement

Honorable Body:

In 2009, the City of North Tonawanda completed all financial reimbursement and legal requirements with the NYSDEC associated with the demolition, environmental cleanup and environmental easements at the former Roblin Steel Site on Oliver Street. The remediation of the site requires that the city must perform annual groundwater sampling and reporting, as well as reporting site activities related to the Soil Management Plan at the site.

Accordingly, I respectfully request that the Common Council authorize the Mayor to sign the enclosed Amendment No.5 to the City's original agreement dated March 24, 2009 with GHD, 200 John James Audubon Parkway, Suite 101, Amherst, NY 14228, to perform the 2015 groundwater sampling and reporting at the former Roblin (Buffalo Bolt) Steel site in the amount of \$3,500; subject to review by the City Attorney.

Very truly yours,  
 Dale W. Marshall, P.E.  
 City Engineer

MOVED by Alderman Rizzo

SECONDED by Alderman Schwandt

That the Common Council hereby authorizes the Mayor to sign the Amendment No.5 to the City's original agreement dated March 24, 2009 with GHD, 200 John James Audubon Parkway, Suite 101, Amherst, NY 14228, to perform the 2015 groundwater sampling and reporting at the former Roblin (Buffalo Bolt) Steel site in the amount of \$3,500; subject to review by the City Attorney.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo

(5)

Nays: None

(0)

CARRIED

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**IV.2 Engineer**

August 27, 2015

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

Re: Project 2015-07, 2015 Storm Sewer Separation-Belling Place  
 Award of Contract.

Dear Honorable Body:

On Wednesday, August 26, 2015, three (3) bids were received and opened by the City Clerk for the 2015 Storm Sewer Separation (Belling Place) Project. The corrected bid results are as follows:

- NFP and Sons, Inc. \$105,697.10
- Milherst Construction, Inc. \$109,985.00

09-01-2015

- New Frontier

\$125,575.00

Accordingly, I respectfully request that the Common Council award the 2015 Storm Sewer Separation-Belling Place Project to NFP and Sons, Inc., 7311 Ward Road, North Tonawanda, New York 14120, at their low total bid amount of \$105,697.10; authorizing the Mayor to sign said contract subject to review by the City Attorney.

Very truly yours,  
Dale W. Marshall, P.E.  
City Engineer

MOVED by Alderman Zadzilka

SECONDED by Alderman Pecoraro

That the Common Council hereby awards the 2015 Storm Sewer Separation-Belling Place Project to NFP and Sons, Inc., 7311 Ward Road, North Tonawanda, New York 14120, at their low total bid amount of \$105,697.10; authorizing the Mayor to sign said contract subject to review by the City Attorney.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo

(5)

Nays: None

(0)

CARRIED

#### VII.1 Accountant

August 27, 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 1, 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 1, 2015 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$712,870.39
02	Water Fund	27,210.94
04	Sewer Fund	89,777.15
06	Capital Project Fund	226,069.95
08	Community Development	75,180.00
00	Final Total	<u>\$1,131,108.43</u>

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo

(5)

Nays: None

(0)

CARRIED

**VII.2 Accountant**

August 27, 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>
4	10,500.00	1-7110.100 Personnel Services	1-7110.440 Buildings & Grounds

Very truly yours,  
Mark W. Dotterweich  
City Accountant

MOVED by Alderman Braun                      SECONDED by Alderman Schwandt  
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>
4	10,500.00	1-7110.100 Personnel Services	1-7110.440 Buildings & Grounds

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

**VII.3 Accountant**

August 27, 2015

Honorable Arthur G. Pappas, Mayor  
and Common Council  
City Hall  
North Tonawanda, NY 14120

Dear Honorable Body:

In accordance with Section 2.2 of the Budgetary Transfer Policy, please authorize the City Accountant to make the following budget amendment of fiscal year 2015 revenues and appropriations, based on the requests of Department Heads:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>Amend Revenue Account</u>	<u>Amend Appropriation Account</u>
4	\$4,000.00	1-1000.2770 Unclassified (Grant Revenue)	1-3120.480 Police Operations

**Explanation:** To amend the appropriate revenue and appropriation accounts due to the receipt of \$4,000 from East Hill relating to police operations. The net effect on the 2015 budget is zero.

Very truly yours,  
Mark W. Dotterweich  
City Accountant

**MOVED** by Alderman Rizzo                      **SECONDED** by Alderman Zadzilka  
That the Common Council hereby authorizes the City Accountant to make the following budget amendment of fiscal year 2015 revenues and appropriations, based on the requests of Department Heads:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>Amend Revenue Account</u>	<u>Amend Appropriation Account</u>
4	\$4,000.00	1-1000.2770 Unclassified (Grant Revenue)	1-3120.480 Police Operations

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

Nays: None (0)

**CARRIED**

**X. Police Chief**

August 26, 2015

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

Dear Honorable Common Council:

On the 28<sup>th</sup> of August 2015 the following Officers were promoted off their respective Civil Service List. These were due to retirements and promotions.

Officer Larry W. Kuebler	Detective
Officer Robert J. Frank II	Lieutenant
Lieutenant Todd W. Bush	Captain

Thank you for your time and consideration in this matter.

Respectfully yours,  
William R. Hall  
Chief of Police

**MOVED** by Alderman Zadzilka                      **SECONDED** by Alderman Pecoraro  
That the Common Council hereby approves the following promotions in the North Tonawanda Police Department due to retirements and promotions:

Officer Larry W. Kuebler	Detective
Officer Robert J. Frank II	Lieutenant
Lieutenant Todd W. Bush	Captain

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

Nays: None (0)

**CARRIED**

**XI. Fire Chief**

August 25, 2015

Mayor Arthur G. Pappas  
215 Payne Avenue  
North Tonawanda, NY 14120

Honorable Mayor Pappas,

In Accordance with the Charter of the City of North Tonawanda, Section 3.002e, I hereby appoint:

**Jon M. Kukavica 105 Dale Drive Upper North Tonawanda, NY 14120**

To the position of Firefighter for the North Tonawanda Fire Department, effective September 16, 2015.

A promotional Oath of Office will be held at 10:00AM on September 16, 2015 in the Council Chambers, and I would appreciate you administering the Oath.

Respectfully,  
**John C. Lapham**  
 Fire Chief

**MOVED** by Alderman **Zadzilka**                      **SECONDED** by Alderman **Schwandt**  
 That the Common Council hereby approves the appointment of **Jon M. Kukavica, 105 Dale Drive Upper, North Tonawanda NY 14120** to the North Tonawanda Fire Department effective September 16, 2015.

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

**Nays: None** (0)

**CARRIED**

## COMMUNICATIONS FROM OTHERS

**A.**  
**The Hideaway Grill**

August 21, 2015

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

**Dear Honorable Body:**

I am requesting to have Rumbold Avenue blocked off at Division and Mead for a fundraiser event for Owen's Toy Box, Children's Hospital, that will be held at the Hideaway Grill 499 Division Street. The time is from 11AM to 6PM on Sunday, September 27<sup>th</sup>.

Thank you for your consideration. Should you need any further information please feel free to contact me.

**Lori May**  
**Hideaway Grill**

**MOVED** by Alderman **Schwandt**                      **SECONDED** by Alderman **Rizzo**  
 That the Common Council hereby grants permission to the Hideaway Grill 499 Division Street to hold a block party for "Owen's Toy Box" on September 27, 2015 from 11AM to 6PM and directs the DPW to block off Rumbold Avenue at Division and Mead for said event.

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

**Nays: None** (0)

**CARRIED**



**MOVED** by Alderman Rizzo                      **SECONDED** by Alderman Schwandt  
**That the Common Council hereby waves the building permit fee for Gratwick  
Hose Company Inc., to continue their improvements.**

**Ayes:** Zadzilka, Braun, Schwandt, Pecoraro, Rizzo

**(5)**

**Nays:** None

**(0)**

**CARRIED.**

**D.**

**Preservation League of NY**

**August 4, 2015**

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

**Re: Lumber Baron Historic District**

**Dear Mayor Pappas,**

**We are pleased to inform you that in response to your application to the Preserve New York Grant Program, a grant of \$3,200 has been approved for the Lumber Baron Historic District. We are delighted to support your efforts to complete this Cultural Resource Survey.**

**The award is being made with the following agreements between the Preservation League and the City of North Tonawanda:**

- 1. The grant will be used as support for costs associated with the completion of the National Register Nomination.**
- 2. The Scope of the project will include a National Register Nomination for the Lumber Baron Historic District.**
- 3. The work will be completed by Kiersten Minnick, who will serve as the consultant to City of North Tonawanda.**
- 4. The project will be completed in accordance with the standards of the New York State Office of Parks, Recreation and Historic Preservation (SHPO).**
- 5. The final product will be National Register Nomination, based on National Park Service standards, including supporting documentation (maps, photographs, etc.).**
- 6. The City of North Tonawanda will submit a hard copy of the final product no later than 12 months after the signing of this agreement.**
- 7. The City of North Tonawanda will notify the Preservation League of any changes to the project prior to the commencement of work. Any changes to the scope, consultant or timetable will require the prior approval of the Preservation League.**
- 8. The following language must be used when crediting the grant in print: The Preserve New York Grant Program of the Preservation League of New York State is made possible by the New York State Council on the Arts with the support of Governor Andrew Cuomo and the New York State Legislature. Important Note: The consultants must be notified of this requirement.**

**If you agree with the above terms of the grant, please sign both copies of this agreement. Return a copy to the Preservation league and retain the original for your files. Failure to respond within 30 days may cause the award to be withdrawn.**

**In addition, please send a copy of your contract or letter of understanding between your municipality and your consultant. Upon our receipt of this agreement letter and your contract with the consultant, the Preservation League will issue a check for the grant amount.**

**We request that you assist us in making the official announcement of your award. Specific instructions for how to proceed with media coverage are provided in a separate memorandum with this mailing. Please follow the instructions to ensure visibility of the project and proper credit. Once official press notification has occurred, we would appreciate receiving copies of any articles about this project. Please contact Erin Tobin, Director of Preservation, at 518-462-5658, ext. 12, to discuss assistance with publicity.**

**On behalf of the Preservation League, I send our best wishes.**

**09-01-2015**

Sincerely,  
 Jay DiLorenzo, President  
 Preservation League of New York State

MOVED by Alderman Pecoraro

SECONDED by Alderman Braun

That the Common Council hereby accepts the grant from the Preserve New York Grant Program for \$3,200 for the Lumber Baron Historic District and approves the following agreements between the Preservation League and City of North Tonawanda:

1. The grant will be used as support for costs associated with the completion of the National Register Nomination.
2. The Scope of the project will include a National Register Nomination for the Lumber Baron Historic District.
3. The work will be completed by Kiersten Minnick, who will serve as the consultant to City of North Tonawanda.
4. The project will be completed in accordance with the standards of the New York State Office of Parks, Recreation and Historic Preservation (SHPO).
5. The final product will be National Register Nomination, based on National Park Service standards, including supporting documentation (maps, photographs, etc.).
6. The City of North Tonawanda will submit a hard copy of the final product no later than 12 months after the signing of this agreement.
7. The City of North Tonawanda will notify the Preservation League of any changes to the project prior to the commencement of work. Any changes to the scope, consultant or timetable will require the prior approval of the Preservation League.
8. The following language must be used when crediting the grant in print: The Preserve New York Grant Program of the Preservation League of New York State is made possible by the New York State Council on the Arts with the support of Governor Andrew Cuomo and the New York State Legislature. Important Note: The consultants must be notified of this requirement.

Subject to further review by the City Attorney.

Ayes: Zadzilka, Braun, Schwandt, Pecoraro, Rizzo

(5)

Nays: None

(0)

CARRIED.

#### AUDIENCE PARTICIPATION –

Kevin Hodgson 67 North Jesella Drive – Stated that he found out that the inside corner of Plastics Drive is owned by Niagara County IDA because the when it comes time to trim the brush along that area the city knows who to contact. Stated that he contacted Brad the City DPW Supervisor with the information.

Kathy Kern 1248 Greenbrier Lane – Asked the Council if they all heard the saying once is an accident, twice is a coincidence, and three times is a pattern. Said that she happens to be a recipient of a pattern that is negatively affecting her property. Stated last week for the 4<sup>th</sup> time in 3 years a water main in the street blew up again. Said that 3 years ago it happened twice within 2 months, and at that time the approach in her driveway sunk and the curb was lost. Stated that last week she called because water was pouring out of the street again, and the street caved in again. Said that the City workers and crews have been great. The broken area is so big cars are driving around it and onto her terrace. Stated that they are driving over her bubbler on the terrace so she had to put cones and reflectors up. Said that the city needs to determine what the cause of this problem is and why it continues to happen. Asked if the City is just putting band aid fixes on this that is why it is happening so much. Stated that she has lived here since 1968 and this has happened to often.

Ann Finkle 896 Sunvalley Drive – Said that she also called when main blew on Greenbrier, and said that she spoke with Mike Adams who said that they will replace the pipes.

Sue Wilke 329 Miller Street – Asked the Council if she could provide handouts with the help from Alderman Zadzilka. The hand out was an article from The Public called “We are poor Now”. Stated that there is a lot of poverty in the city and asked the City Council

to raise our City minimum wage. Said that the Council party is a business man's party and they need to raise the minimum wage to \$15.00 an hour. Stated we should be having living wages, its Republicans like Mr. Regan who rolled back the taxes on the wealthy and that the wealthy should be paying taxes.

Jon M. Kukavica 105 Dale Drive Upper – Thanked the Council for giving him the opportunity to serve the City.

Rob Stefanski 1597 Ruie Road – Thanked Alderman Zadzilka for talking with him and spending 2 hours talking about Ruie Road. Asked Council President Rizzo how he told him about the milling at the corner of Nash and Ruie and that pile in front of his house. Stated that the City workers picked it up, and it would still be there if they didn't clean it up. Stated that the roads are still falling apart; and that Suit-Kote has not fixed anything yet. Asked why the city purchased a "slab jack" if they are not going to use it to fix sidewalks, instead Brad is giving people names of private companies that do that job. Stated that Suit-Kote is paving the roads to thin. Said they paved 1736 feet of Ward Rd and 2445 feet of Ruie Road and used the same number of tandems for both. Said that the Suit-Kote workers said "its Friday let's get out of here fast", so they paved it thin, said that the workers are being vulgar to our City workers and Mr. Rowel defended the Suit-Kote workers.

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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

Time of Adjournment: 7:07P.M.

Respectfully submitted,



Daniel R. Quinn  
City Clerk-Treasurer