

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, January 19, 2016
6:30P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT RIZZO

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Absent: **None**

Also Present: **Mayor Arthur G. Pappas**
 City Attorney Katherine D. Alexander

AUDIENCE PARTICIPATION

Sonia Dusza 123 Miller Street – Said that she would like to address on the agenda the agreement with GHD Consulting Services Inc. for 815 River Road Brownfield Site Remediation annual groundwater sampling and reporting professional services. Said she didn't have a chance to read it word for word, but she can recall North Tonawanda is the owner and the person who will be doing that testing is our engineer, or proofing the company that does the testing, and writing that he read it. Wanted to know if that was correct? Asked how will they test the ground water with all those piles of stones.

Kevin Hodgson 67 Jesella Drive North – Asked on the monthly reports if more information could be provided on what they were for.

APPROVAL OF THE MINUTES OF THE REGULAR SESSION JANUARY 4, 2016

MOVED by Alderman Zadzilka **SECONDED** by Alderman Pecoraro
That the minutes of the regular session meeting held January 5, 2016 be approved as circulated and filed in the Office of the City Clerk.
CARRIED.

APPROVAL OF THE MINUTES OF THE SPECIAL SESSION JANUARY 12, 2016

MOVED by Alderman Pecoraro **SECONDED** by Alderman Zadzilka
That the minutes of the special session meeting held January 12, 2016 be approved as circulated and filed in the Office of the City Clerk.
CARRIED.

COMMUNICATIONS FROM CITY OFFICIALS

III. Clerk-Treasurer

January 8, 2016

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

Dear Honorable Body,

I am requesting to re-appoint Michele Ackerman as a Commissioner of Deeds for the City of North Tonawanda.

Thank you.

Sincerely,
Daniel R. Quinn
City Clerk-Treasurer

MOVED by Alderman Rizzo SECONDED by Alderman Braun
That the Common Council hereby re-appoints Michele Ackerman, 1561 Master Street North Tonawanda, NY 14120 as a Commissioner of Deeds for the City of North Tonawanda effective January 20, 2016 expiring January 19, 2018.

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

Nays: None (0)

CARRIED

IV.1 Engineer

January 7, 2016

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

Re: 815 River Road Brownfield Site Remediation
Annual Groundwater Sampling, Testing and Reporting
Professional Services Agreement with GHD Consulting Services, Inc.

Honorable Body:

As you may be aware, on December 30, 2014 the City of North Tonawanda officially received the Certificate of Completion from the NYSDEC for the remediation of the 815 River Road Site under the State's Environmental Restoration Program. Their program requires that the city provide annual groundwater sampling and testing; and is required to prepare an annual report to the DEC on the formerly owned city site, currently being used by Metzger Removal.

Accordingly, I respectfully request that the Common Council authorize the Mayor to sign the enclosed annual agreement with GHD Consulting Services, Inc., 285 Delaware Avenue, Suite 500, Buffalo, NY 14202, to perform the groundwater sampling, testing and reporting for the 815 River Road site in the amount of \$4,000; subject to review by the City Attorney.

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

V. Supt. Water/Wastewater

January 14, 2016

Honorable Mayor
And Common Council
City Hall
North Tonawanda, NY 14120

Honorable Mayor and Common Council,

The CSEA Union recently posted for the promotional position of Wastewater Treatment Plant Sanitary Chemist. Only one qualified person applied. Therefore, with your approval, I would like to appoint Michael W. Gibbons of 410 Woodlin Ave., North Tonawanda, NY 14120 to the position of Wastewater Treatment Plant Sanitary Chemist effective January 20, 2016.

There is no current Niagara County Civil Service exam list for this position. The Civil Service Department has informed me that the next exam for this position will be given sometime within the next 12-24 months. Therefore, Mr. Gibbons will be appointed "Permanent Provisional" pending the results of the exam and certification of the Civil Service List.

Thank you for your time and consideration of my request. Please contact me if you need any further information or have any questions regarding this matter.

Sincerely yours,
William M. Davignon
Superintendent Water/Wastewater

MOVED by Alderman Zadzilka SECONDED by Alderman Rizzo
That the Common Council hereby approves the appointment of Michael W. Gibbons, 410 Woodlin Avenue North Tonawanda, NY 14120 to the position of Wastewater Treatment Plant Sanitary Chemist effective January 20, 2016, permanent provisional pending the results of exam and certification of the Civil Service List.

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

Nays: None (0)

CARRIED.

VII.1 Accountant

January 14, 2016

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 January 19, 2016, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Very truly yours,
Mark W. Dotterweich
City Accountant

MOVED by Alderman Schwandt SECONDED by Alderman Zadzilka
 That the Common Council hereby authorizes for payment the current Abstract of Claims
 for Common Council Audit dated January 19, 2016 and further authorizes the Mayor and
 City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$493,310.22
02	Water Fund	13,397.01
04	Sewer Fund	46,073.12
06	Capital Project Fund	88,007.77
08	Community Development	63,912.19
17	Home Rehab Program	<u>36.50</u>
00	Final Total	<u>\$704,736.81</u>

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

VII.2 Accountant

January 14, 2016

Honorable Arthur G. Pappas, Mayor
 And Common Council
 City Hall
 North Tonawanda, New York 14120

Dear Honorable Body:

Please be advised that as a result of the City of North Tonawanda changing administrators for the City's Deferred Compensation 457b Plan, I am submitting a resolution that removes Reliance Trust Company as the Trustee of City's Deferred Compensation 457b Plan and appoints Lincoln Financial Group Trust Company as successor Trustees of the City of North Tonawanda Deferred Compensation Plan.

Accordingly, please adopt the attached resolution and authorize the City Accountant to execute same.

Very truly yours,
 Mark W. Dotterweich
 City Accountant

MOVED by Alderman Pecoraro SECONDED by Alderman Rizzo

January 19, 2016 Regular Meeting of the Common Council of
 City of North Tonawanda

A regular meeting of the City of North Tonawanda, New York was duly called and held at the offices of the City of North Tonawanda, City Hall, 216 Payne Avenue, North Tonawanda, 14120 at 6:30PM, prevailing time, on January 19, 2016.

All Council members were either present in person or assented in writing to the municipal action.

It was stated on the agenda, that the regular meeting would include the removal of Reliance Trust Company and appointment of Lincoln Financial Group Trust Company as successor Trustees of the City of North Tonawanda Deferred Compensation Plan, effective March 31, 2016.

Following a full discussion and upon a motion duly made and seconded, it was unanimously

RESOLVED: To remove Reliance Trust Company as Trustee of the City of North Tonawanda Deferred Compensation Plan, effective March 31, 2016.

RESOLVED: To appoint Lincoln Financial Group Trust Company (LFGTC) as Successor Trustee of the City of North Tonawanda Deferred Compensation Plan, effective April 1, 2016.

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

XXV. Monthly Reports

- .1 Clerk-Treasurer
- .2 Senior Citizen Center
- .3 Police Department

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

XXVI. Vacation & Sick Leave Reports

- .1 Clerk-Treasurer
- .2 Youth Recreation & Parks
- .3 Police Department

MOVED by Alderman Schwandt **SECONDED** by Alderman Pecoraro
That the Common Council hereby, approves the aforementioned Vacation & Sick Leave Reports.
CARRIED.

XXVII. Annual Reports

- .1 Police Department
- .2 Clerk-Treasurer

MOVED by Alderman Schwandt **SECONDED** by Alderman Zadzilka
That the Common Council hereby, approves the aforementioned Annual Reports.
CARRIED.

COMMUNICATIONS FROM OTHERS

A.
Michael Gibbons

January 13, 2016

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

Honorable Mayor and Common Council:

Upon your approval on January 19th I will be accepting a promotion to the position of Sanitary Chemist starting January 20, 2016. Therefore, I am requesting a leave of absence from my position as Wastewater Laboratory Technician as of January 20, 2016 until the time of my permanent appointment as Sanitary Chemist of the Wastewater Treatment Plant.

Respectfully yours,
Michael W. Gibbons

MOVED by Alderman Pecoraro **SECONDED** by Alderman Schwandt
 That the Common Council hereby grants permission to Michael W. Gibbons to take a leave of absence from his position as Wastewater Laboratory Technician at the Wastewater Treatment Plant, to take the position as Sanitary Chemist at the Wastewater Treatment Plant effective January 20, 2016 till the position becomes permanent.

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

Nays: None (0)

CARRIED.

AUDIENCE PARTICIPATION

Sonia Dusza 123 Miller Street – Stated she wanted the record to reflect the following, said she came into City Hall before the previous Common Council Meeting to notify the Clerk and the Mayor that the minutes that were reflected in the December 15, 2015 minutes were incorrect. Said the Council passed a new resolution on the minutes and wanted those minutes read. Said she would like to know what the amendment was. Stated she thinks the media should take an interest in it and code enforcement, and our legal department has a duty and responsibility to do their job. Stated she is opposed to Shawn Nickerson being appointed Judge because what Cosimo Capozzi said to her. Stated that it should get out to the public and everyone sitting in front of her. Also said she would like to know why the city is changing/removing Reliance Trust Company as the trustee of the City's Deferred Compensation 457b plan and appointing Lincoln Financial Group. Said we have a small community but still have threads of richness that brought people together. Said to be blunt, it has gotten downtrodden; it needs to change for the better. Said that people need to get involved, be interested in their community planning. Said she doesn't know why a municipality would have a concrete junk yard across the street from our water front on River Road. Said if people are looking to enhance our waterfront, we need to change what we are doing, and also wants the council to look at the Town of Amherst website.

Paul Parise 176 Tremont Street – Stated that he is the President of Live Hose Company and would like to invite Donna Braun and David Maziarz to the Fire Station to look at the floor. Said that the floor is leaking again and it is damaging the remodeling downstairs, said that he would appreciate it if they could meet with him about this matter.

Kevin Hodgson 67 Jesella Drive North – Said that he has some questions on the Walck Road construction projects, Ivy Lea relocation and the patio homes down the street, wanted to know if there was any progress. Stated he had to help an older neighbor with a water bill and when he went to look up the phone number in the phone book they were not listed. Stated that both the Mayor and the Clerk's phone numbers were not listed in the phone book either, the two most important numbers in City Hall.

ADJOURNMENT

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

Time of Adjournment: 6:58 P.M.

Respectfully submitted,

Daniel R. Quinn
 City Clerk-Treasurer