

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, September 6, 2016
6:31P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT RIZZO

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: President Rizzo
Alderman Zadzilka, Braun, Pecoraro

Absent: Alderman Schwandt

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

AUDIENCE PARTICIPATION - None

APPROVAL OF THE MINUTES OF THE REGULAR SESSION AUGUST 16, 2016

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro
That the minutes of the regular session meeting held August 16, 2016 be approved as
circulated and filed in the Office of the City Clerk.
CARRIED.

PROOF OF PUBLICATION PUBLISHED AUGUST 10, 2016

- 1) Legal Notice – Public Hearing on proposed Local Law No.1 of the year 2016 entitled, “A Local law of the City of North Tonawanda, New York adopting the North Tonawanda Criminal History Record Check policy for prospective city employees – City Attorney

PROOF OF PUBLICATION PUBLISHED AUGUST 24, 2016

- 1) Legal Notice – Public Hearing to consider the rezoning of the property at 49 Tremont Street (YWCA) from M-1 to C-1

MOVED by Alderman Pecoraro SECONDED by Alderman Braun
That the Common Council hereby receives and files the aforementioned Proof of
Publications.
CARRIED.

COMMUNICATIONS FROM CITY OFFICIALS

#1

Common Council

A LOCAL LAW ADOPTING THE NORTH TONAWANDA CRIMINAL HISTORY RECORD CHECK POLICY FOR PROSPECTIVE CITY EMPLOYEES

WHEREAS, on May 3, 2016, the North Tonawanda City Council passed a resolution which required prospective employees, upon selection for employment, be required to submit to and successfully complete a criminal background check through the North Tonawanda Police Department before obtaining employment with North Tonawanda, and

WHEREAS, pursuant to the rules of the State of New York Division of Criminal Justice Services, the City of North Tonawanda must have a local law, containing specific elements to constitute sufficient authorization for the City of North Tonawanda to submit non-criminal applicant fingerprint inquiries to the Division of Criminal Justice Services, and

WHEREAS, it is the desire of the North Tonawanda City Council to require a background check on all prospective employees as required by law or as designated by the City of North Tonawanda, and

WHEREAS, a public hearing was held on August 23, 2016 at 6:00 p.m. in the Council Chambers, City Hall, 216 Payne Avenue, North Tonawanda, New York, and

WHEREAS, no one appeared to speak on said Local Law, and

WHEREAS, no amendments were made to said Local Law, now therefore be it

RESOLVED, that a Local Law adopting the North Tonawanda Criminal History Record Check Policy for prospective City Employees be enacted by the City Council, as follows:

A LOCAL LAW OF THE CITY OF NORTH TONAWANDA, NEW YORK ADOPTING THE NORTH TONAWANDA CRIMINAL HISTORY RECORD CHECK POLICY FOR PROSPECTIVE CITY EMPLOYEES;

Be it enacted by the City Council of the City of North Tonawanda as follows:

1. North Tonawanda is committed to providing safeguards that endeavor to protect the welfare and security of its employees and the general public which it serves. Accordingly the City will conduct a criminal history record check ("CHRC") which may include fingerprinting in connection with the appointment of any employee to a job classification for which (a) a CHRC is required by law, or (b) positions which are, now or in the future, designated as classified service in the competitive class, non-competitive class, labor class and exempt class and all positions which are, now or in the future, designated as unclassified service except those designated as elected officials. Where required under this policy CHRCs will be conducted pre-offer of employment, or where not feasible, an offer will be contingent upon the results of the CHRC.
2. North Tonawanda does not unlawfully discriminate on the basis of arrests or convictions. No application for employment will be denied by reason of the applicant having been previously convicted of one or more criminal offenses, unless (1) disqualification is specifically permitted or required by law; (2) there is a direct relationship between one or more previous criminal offenses and the employment sought; or (3) the granting of the employment sought would involve an unreasonable risk to property or to the safety of welfare of specific individuals or the general public. In evaluating these factors, the City will consider the duties of the position, the bearing of the conviction on the "fitness" to perform the duties of the position, the time elapsed since the conviction, the age of the applicant at the time of conviction, the "seriousness" of the offense, evidence of rehabilitation, and the employer's legitimate interest in protecting property and safety of specific individuals and the public. The City will also consider any certificate of relief from disabilities or certificated of good conduct issued to a prospective employee. Subject to applicable law, the City may also deny employment on the basis of an arrest which is pending at the time an employment decision is made.
3. The City of North Tonawanda Police Department will oversee CHRC's for City government. All CHRC's will be performed through the Police Department and other governmental agencies. No non-governmental entity will be used to perform CHRCs.
4. Prospective employees subject to a CHRC will be provided with a notice and consent form. Before any adverse employment is taken based upon the results of a CHRC, a prospective employee will be afforded the opportunity to review and explain information contained therein. A prospective employee may also withdraw his or her application for employment at

any time, without prejudice, prior to the City's decision on employment and upon such withdrawal and to the extent required by law, the City's Police Department will destroy any CHRC report concerning such prospective employee.

5. The results of the CHRCs will be maintained by the City in a file that is separate from other personnel information. Questions regarding compliance with this policy should be address to the City of North Tonawanda Police Department, Attorney's Office or Mayor's Office. Except as required by law, this policy is subject to and to the extent inconsistent with, superseded by, the County's collective bargaining agreements.
6. This Local Law shall take effect immediately upon filing with the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

MOVED by Alderman Braun

SECONDED by Alderman Pecoraro

At a regular meeting of the Common Council of the City of North Tonawanda, in the County of Niagara, New York, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 p.m. on September 6, 2016, the Council approved the following Local Law for 2016:

A LOCAL LAW ADOPTING THE NORTH TONAWANDA CRIMINAL HISTORY RECORD CHECK POLICY FOR PROSPECTIVE CITY EMPLOYEES

WHEREAS, on May 3, 2016, the North Tonawanda City Council passed a resolution which required prospective employees, upon selection for employment, be required to submit to and successfully complete a criminal background check through the North Tonawanda Police Department before obtaining employment with North Tonawanda, and

WHEREAS, pursuant to the rules of the State of New York Division of Criminal Justice Services, the City of North Tonawanda must have a local law, containing specific elements to constitute sufficient authorization for the City of North Tonawanda to submit non-criminal applicant fingerprint inquiries to the Division of Criminal Justice Services, and

WHEREAS, it is the desire of the North Tonawanda City Council to require a background check on all prospective employees as required by law or as designated by the City of North Tonawanda, and

WHEREAS, a public hearing was held on August 23, 2016 at 6:00 p.m. in the Council Chambers, City Hall, 216 Payne Avenue, North Tonawanda, New York, and

WHEREAS, no one appeared to speak on said Local Law, and

WHEREAS, no amendments were made to said Local Law, now therefore be it

RESOLVED, that a Local Law adopting the North Tonawanda Criminal History Record Check Policy for prospective City Employees be enacted by the City Council, as follows:

A LOCAL LAW OF THE CITY OF NORTH TONAWANDA, NEW YORK ADOPTING THE NORTH TONAWANDA CRIMINAL HISTORY RECORD CHECK POLICY FOR PROSPECTIVE CITY EMPLOYEES;

Be it enacted by the City Council of the City of North Tonawanda as follows:

7. North Tonawanda is committed to providing safeguards that endeavor to protect the welfare and security of its employees and the general public which it serves. Accordingly the City will conduct a criminal history record check ("CHRC") which may include fingerprinting in connection with the appointment of any employee to a job classification for which (a) a CHRC is required by law, or (b) positions which are, now or in the future, designated as classified service in the competitive class, non-competitive class, labor class and exempt class and all positions which are, now or in the future, designated as unclassified service except those designated as elected officials. Where required under this policy CHRCs will be conducted pre-offer of employment, or where not feasible, an offer will be contingent upon the results of the CHRC.
8. North Tonawanda does not unlawfully discriminate on the basis of arrests or convictions. No application for employment will be denied by reason of the applicant having been previously convicted of one or more criminal offenses, unless (1) disqualification is specifically permitted or required by law; (2) there is a direct relationship between one or more previous criminal offenses and the employment sought; or (3) the granting of the employment sought would involve an unreasonable risk to property or to the safety of welfare of specific individuals or the general public. In evaluating these factors, the City will consider the duties of the position, the bearing of the conviction on the "fitness" to perform the duties of the position, the time elapsed since the conviction, the age of the applicant at the time of conviction, the "seriousness" of the offense, evidence of rehabilitation, and the employer's legitimate interest in protecting property and safety of specific individuals and the public.

The City will also consider any certificate of relief from disabilities or certificated of good conduct issued to a prospective employee. Subject to applicable law, the City may also deny employment on the basis of an arrest which is pending at the time an employment decision is made.

9. The City of North Tonawanda Police Department will oversee CHRC's for City government. All CHRC's will be performed through the Police Department and other governmental agencies. No non-governmental entity will be used to perform CHRCs.
10. Prospective employees subject to a CHRC will be provided with a notice and consent form. Before any adverse employment is taken based upon the results of a CHRC, a prospective employee will be afforded the opportunity to review and explain information contained therein. A prospective employee may also withdraw his or her application for employment at any time, without prejudice, prior to the City's decision on employment and upon such withdrawal and to the extent required by law, the City's Police Department will destroy any CHRC report concerning such prospective employee.
11. The results of the CHRCs will be maintained by the City in a file that is separate from other personnel information. Questions regarding compliance with this policy should be address to the City of North Tonawanda Police Department, Attorney's Office or Mayor's Office. Except as required by law, this policy is subject to and to the extent inconsistent with, superseded by, the County's collective bargaining agreements.
12. This Local Law shall take effect immediately upon filing with the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

Ayes: Zadzilka, Braun, Pecoraro, Rizzo

(4)

Nays: None

(0)

CARRIED.

II. Attorney

August 31, 2016

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

**Re: Renewal Agreement between NYS Unified Court System and City of
North Tonawanda for Cleaning and Maintenance of Court Facilities**

Dear Honorable Body:

Attached is a proposed renewal agreement between the New York State Unified Court System and the City of North Tonawanda to allow for reimbursement to the City of up to \$60,129 for cleaning and maintenance of our court facilities. This lease term is a mid-year term (2016-17) of a 5-year lease that was previously approved by your Honorable Body.

Should your Honorable Body concur, please pass a resolution to permit the execution of the lease agreement by the Mayor, subject to any further review by the City Attorney.

If you have any questions, please do not hesitate to contact me.

**Very truly yours,
Katherine D. Alexander
City Attorney**

MOVED by Alderman Zadzilka

SECONDED by Alderman Braun

That the Common Council hereby approves the renewal agreement between the New York State Unified Court System and the City of North Tonawanda to allow for reimbursement to the City of up to \$60,129 for cleaning and maintenance of our court facilities. This lease term is a mid-year term (2016-17) of a 5-year lease previously approved and authorizes the Mayor to sign said agreement, subject to review by the City Attorney.

Ayes: Zadzilka, Braun, Pecoraro, Rizzo

(4)

Nays: None

(0)

CARRIED.

VII.1 Accountant

September 1, 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 September 6, 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 Pecoraro SECONDED by Alderman Zadzilka
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated September 6, 2016 and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$650,139.58
02	Water Fund	89,854.65
04	Sewer Fund	109,831.09
06	Capital Project Fund	483,060.35
07	Trust & Agency Fund	1,663.57
08	Community Development	<u>18,850.00</u>
00	Final Total	<u>\$1,353,399.24</u>

Ayes: Zadzilka, Braun, Pecoraro, Rizzo (4)
Nays: None (0)
CARRIED.

VII.2 Accountant

September 1, 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 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 2016 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	4,300.00	1-3410.480 Operations Account	1-3410.420 Repairs & Maintenance Account

Very truly yours,
Mark W. Dotterweich
City Accountant

MOVED by Alderman Pecoraro SECONDED by Alderman Braun
That the Common Council hereby authorizes the City Accountant to make the
following budgetary transfer of fiscal year 2016 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	4,300.00	1-3410.480 Operations Account	1-3410.420 Repairs & Maintenance Account

Ayes: Zadzilka, Braun, Pecoraro, Rizzo (4)

Nays: None (0)

CARRIED.

VII.3 Accountant

September 1, 2016

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 2016 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	\$80,620.00	1-1000.4322 Homeland Security Grant	1-3120.260 Public Safety Equipment
5	\$10,000.00	1-1000.3310 State Aid - Police	1-3120.260 Public Safety Equipment
6	\$10,000.00	1-1000.4389 Child Passenger Safety	1-3120.260 Public Safety Equipment

Explanation: To amend the 2016 Budget for the purpose of recording various grants that were received by Police Dept. Net result to Budget is zero.

Very truly yours,
Mark W. Dotterweich
City Accountant

MOVED by Alderman Zadzilka SECONDED by Alderman Pecoraro
That the Common Council hereby authorizes the City Accountant to make the
following budget amendment of fiscal year 2016 revenues and appropriations,
based on the request of the Department Head:

<u>Control Number</u>	<u>Dollar Amount</u>	<u>Amend Revenue Account</u>	<u>Amend Appropriation Account</u>
4	\$80,620.00	1-1000.4322 Homeland Security Grant	1-3120.260 Public Safety Equipment
5	\$10,000.00	1-1000.3310 State Aid - Police	1-3120.260 Public Safety Equipment
6	\$10,000.00	1-1000.4389 Child Passenger Safety	1-3120.260 Public Safety Equipment

Ayes: Zadzilka, Braun, Pecoraro, Rizzo (4)

Nays: None (0)

CARRIED.

IX. Supt. Public Works

August 22, 2016

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

Re: Appointment to position of Storekeeper at Public Works

Dear Honorable Body:

Please be advised that I am in the process of hiring Lee Larson for the Storekeeper position at Public Works. He is from the eligible Civil Service list who I believe is most qualified for this position. As a condition of his employment, Mr. Larson has agreed to relocate to the City of North Tonawanda once he is hired. I would like to ask for a six month waiver of residency for him to have adequate time to move his family from Lockport here to North Tonawanda.

If you have any questions regarding this matter please contact me at your earliest convenience.

Very truly yours,
 Bradley A. Rowles
 Superintendent of Public Works

MOVED by Alderman Braun

SECONDED by Alderman Zadzilka

That the Common Council hereby approves the appointment of Lee Larson to the position of Storekeeper at the Department of Public Works, and grants a six month waiver of residency to move into North Tonawanda.

Ayes: Zadzilka, Braun, Pecoraro, Rizzo

(4)

Nays: None

(0)

CARRIED.

XXV. Monthly Reports**.1 Clerk-Treasurer**

MOVED by Alderman Pecoraro

SECONDED by Alderman Braun

That the Common Council hereby, approves the aforementioned Monthly Report.

CARRIED.

COMMUNICATIONS FROM OTHERS

A.

Ron Sciandra

August 15, 2016

Mr. Daniel Quinn and
 North Tonawanda Common Council
 216 Payne Avenue
 North Tonawanda, NY 14120

Dear Mr. Quinn,

The Common Council graciously has approved our hosting a Healing Field to be in Gratwick Riverside Park on September 9th, 10th, and 11th. We would like the Common Council approval to install a 4 foot by 8 foot foam core sign at River Road and Ward Road in Gratwick Park. It will give the dates of the event and show that it will be a "Tribute to all those who serve". The sign will be made by Rosewood signs and we will ask them to

09-06-2016

give us the stakes for same.

Could we also ask if the City of North Tonawanda would be willing to install the sign for us? Thank you for all your kind consideration to this event.

Sincerely,
Ron Sciandra
Healing Field Chairman

MOVED by Alderman Zadzilka **SECONDED** by Alderman Braun
That the Common Council hereby grants permission for the Erie Niagara Sunrise Exchange Club to install 4' x 8' signs at River Road and Ward Road in Gratwick Park to promote the "Healing Field" at Gratwick Park on September 9th, 10th, and 11th.

Ayes: Zadzilka, Braun, Rizzo (3)
Nays: None (0)
Abstained: Pecoraro (1)
CARRIED.

B.
Gratwick Hose Company

August 16, 2016

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

Honorable Mayor & Common Council Members:

Please remove the name of Dylan Swartz from the Fire Rolls

Thank you,
David A. Rogge
Membership Secretary

MOVED by Alderman Pecoraro **SECONDED** by Alderman Zadzilka
That the Common Council hereby grants the removal of Dylan Swartz from the North Tonawanda Fire Rolls.

Ayes: Zadzilka, Braun, Pecoraro, Rizzo (4)
Nays: None (0)
CARRIED.

C.
Shawn Williams

August 18, 2016

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

Common Council Members:

This is a letter to request 12 Special Event Totes for the North Tonawanda Athletic Association. We have football and cheerleading from Monday July 25, 2016 through Friday November 18, 2016.

Thank you,
Shawn Williams
President

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: 6:57P.M.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Dan Quinn", written in black ink.

Daniel R. Quinn
City Clerk-Treasurer