

City of North Tonawanda

DONNA L. BRAUN
City Clerk-Treasurer
dbraun@northtonawanda.org

Lori Swartz
Assistant City Clerk

Denise Proefrock
Assistant City Treasurer

OFFICE OF THE CITY CLERK - TREASURER
VITAL STATISTICS
CITY HALL
216 PAYNE AVENUE
NORTH TONAWANDA, N.Y. 14120

Treasurer's Office: (716) 695-8575
Clerk's Office: (716) 695-8555
Fax: (716) 695-8557

June 28, 2024

The following meetings have been scheduled for **TUESDAY, JULY 2, 2024**

6:15 PM Common Council Meeting Discussion

6:30 PM Common Council Meeting

Respectfully submitted,



**Donna L. Braun
City Clerk-Treasurer**

**TO: Honorable Mayor & Common Council
Alderman Schmigel, DiBernardo, Lavey, Loncar, Marranta**

FROM: Donna L. Braun, City Clerk-Treasurer

RE: Agenda for Regular Session TUESDAY, JULY 2, 2024 6:30PM

AUDIENCE PARTICIPATION – Agenda items only, not to exceed 90 minutes with each speaker limited to a five-minute maximum.

COMMUNICATIONS FROM CITY OFFICIALS

- #1. Common Council - Re: Approval of Resolution to Allocate Funds to Train and Equip the North Tonawanda Police Department for Noise Ordinance Enforcement**
- I. Mayor - Re: Approval of Local Law 2024-1, Solar Energy Regulations**
- II. Attorney - Re: Approval of Proposed Addendum to the Lease Agreement with JG Production & Entertainment, LLC (Thursdays on the Water)**
- VII. Accountant - Re: Payment of the Abstract of Claims Dated July 2, 2024**
- IX. Supt. Public Works - Re: Approval of New Street Light for 1367 Lexington Drive**
- XXV. Monthly Reports**
- #1 Police Department**

COMMUNICATIONS FROM OTHERS

A.
Third Ward Social Club - **Re: Permission to close part of 12th Avenue,
Saturday, August 17th for a club picnic**

Respectfully submitted,



Donna L. Braun
City Clerk-Treasurer



#1

JUL 02 2024

**RESOLUTION FOR THE ALLOCATION OF FUNDS TO TRAIN
AND EQUIP THE NORTH TONAWANDA POLICE DEPARTMENT
FOR NOISE ORDINANCE ENFORCEMENT**

Submitted by President DiBernardo & Aldermen Marranca, Lavey, Schmigel & Loncar

WHEREAS, in order to legally enforce noise ordinances in New York State, the North Tonawanda Police Department must be trained, certified, and possess properly calibrated equipment; and

WHEREAS, noise ordinances must be enforced equitably across both residential and commercial properties to ensure the peace and well-being of all community members; and

WHEREAS, the Common Council recognizes the importance of providing the North Tonawanda Police Department with the tools and training required for this purpose; and

WHEREAS, according to the Noise Pollution Clearinghouse, a national non-profit organization focused on noise pollution, meters can cost between \$250 and \$500, calibrators cost about \$500, and training eight officers costs approximately \$5,000,

NOW, THEREFORE, LET IT BE RESOLVED, if the North Tonawanda Police Department is unable to locate the necessary funds within its existing budget, the North Tonawanda Common Council hereby allocates \$10,000 from the General Reserve Fund to the North Tonawanda Police Department for the purpose of:

- 1. Training and Certification:** Sending officers to obtain the necessary training and certification to use sound level meters and other relevant equipment effectively and legally.
- 2. Purchasing Equipment:** Acquiring certified sound level meters, calibrators, and any other necessary equipment required to enforce noise ordinances.

AND LET IT BE FURTHER RESOLVED, that the North Tonawanda Police Department is encouraged to maintain open communication with the Common Council regarding the use of these funds and to notify the Council if additional funding is required.

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2024 JUN 21 PM 1:25
NORTH TONAWANDA NY

CITY OF NORTH TONAWANDA

Office of the Mayor



JUL 02 2024

AUSTIN J. TYLEC

April 29th, 2024

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

Re: Proposed Local Law 2024-1 | Resolution to Adopt Solar Energy System Regulations

Dear Honorable Body,

Attached for consideration is the adoption of a new local law, Solar Energy Systems Regulations, which aims to regulate the types of solar installations within the City of North Tonawanda. This ordinance ensures the proper siting of solar energy systems to protect our residential and business areas, preserve the city's beauty and character, promote the efficient use of solar energy resources, and safeguard the health, safety, and welfare of our citizens.

The proposed local law includes two tiers of solar energy systems. Tier 1 includes building-integrated photovoltaic systems, while Tier 2 includes ground-mounted solar energy systems. The local law specifies that all solar energy systems must comply with applicable building codes, green codes, unified solar permit requirements, and county regulations.

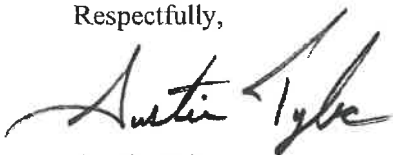
Tier 1 building-integrated systems would be allowed in all zoning districts, while Tier 2 systems are limited to industrial districts, further protecting our residential neighborhoods and other sensitive areas.

By adopting this local law, the City of North Tonawanda will be taking a proactive approach to managing solar energy systems within our community. This strikes a balance between promoting the use of solar energy as an alternative energy source and ensuring that it is done in a way that is compatible with our existing land uses and preserves our city's unique character.

The attached local law has been reviewed and improved thanks to our Building Inspector Rob DePaolo as well. Passage of this will demonstrate our commitment to sustainable energy practices while protecting the interests of our residents and businesses.

Thank you for your time and consideration.

Respectfully,



Austin Tylec

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2024 JUN 26 PM 12:45
NORTH TONAWANDA NY

CIT OF NORTH TONAWANDA LOCAL LAW #2024-1

RESOLUTION TO ADOPT SOLAR ENERGY SYSTEMS REGULATIONS

Submitted by: Mayor Austin Tylec

Definitions.

SOLAR COLLECTOR - A solar or photovoltaic cell, plate, panel, film, array, reflector, or other structure affixed to the ground, a building, or other structure that harnesses solar radiation to directly or indirectly generate thermal, chemical, electrical, or other usable energy.

SOLAR ENERGY EQUIPMENT— Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

SOLAR ENERGY SYSTEM: The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy equipment. A Solar Energy System is classified as a Tier 1 or Tier 2 Solar Energy System as follows.

A. Tier 1 Solar Energy Systems include the following:

1. **BUILDING INTEGRATED PHOTOVOLTAIC (BIPV) SYSTEM (TIER 1)** - A combination of photovoltaic building components integrated into any building envelope system, such as vertical facades including glass and other facade material, semitransparent skylight systems, roofing materials and shading over windows.

B. Tier 2 Solar Energy Systems include the following:

1. **Ground-Mounted Solar Energy Systems** not included under Tier 1 Solar Energy Systems, intended to generate electricity for use on site or off site.

Applicability.

A. The requirements of this Local Law shall apply to all Solar Energy Systems permitted, installed, or modified in the City after the effective date of this Local Law, excluding general maintenance and repair.

B. Solar Energy Systems constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.

C. All Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code ("Building Code"), the NYS Energy Conservation Code ("Energy Code"), Niagara County's Solar Panel Recycling Regulations and the City Code.

General permitting requirements.

A. The NYS Unified Solar Permit and Building Permit shall be required for installation of all Tier 1 & Tier 2 Solar Energy Systems.

B. The placement, construction, and major modification of all solar energy systems within the boundaries of the City of North Tonawanda shall be permitted only as follows:

1. Tier 1 systems are permitted in all zoning districts in the city.
2. Tier 2 systems are allowed in the following districts:
 - a. Industrial districts (M-1, M-2, M-3).
3. Tier 2 energy systems shall require site plan approval, before the issuance of a building permit and shall be subject to all provisions of this article where the lot in which the freestanding or ground-mounted solar energy system is situated on.

Preliminary Site Plan Review – Tier 2 Solar Energy Systems.

For Tier 2 solar energy systems, a site plan shall be required. The applicant shall be required to apply for a permit and a site plan review drawn in sufficient detail per the North Tonawanda Building Department.

Final Site Plan Review.

Applicants for a special use permit to place, construct, and make a major modification to a Tier 2 solar energy system within the boundaries of the City of North Tonawanda may require submission of the following information to the Building Inspector:

1. A completed State Environmental Quality Review Act (SEQRA) short form environmental assessment form (EAF), unless a full form is required by the City's professional engineer or consultant or the City of North Tonawanda Planning Commission, with the City of North Tonawanda Planning Commission designated as lead agency for the SEQRA process.
2. A site plan drawn of the solar energy system installation signed by a professional engineer registered in New York State showing the proposal layout of the entire solar energy system along with a description of all components, existing vegetation and proposed clearing and grading of all sites involved, and utility lines, both above and below the ground, on the site and adjacent to the site.
3. Property lot lines and the location and dimensions of all existing & new structures on site.
4. Proposed fencing and/or screening for project.
5. Clearing, grading, stormwater, and erosion control.
6. Glare - All Solar Panels shall have anti-reflective coating(s) and proof of such must be provided with the site plan and then the building permit applications.
7. A preliminary equipment specification sheet that documents all proposed solar panels, significant components, mounting systems, and inverters that are to be installed shall be provide with the site plan/permit application. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
8. Any such additional information as may be required by the City.

Application and annual fees.

A. Tier 1 & Tier 2 solar energy systems. An applicant shall pay a permit fee in the amount as set by the Building Inspector to cover the cost of processing and reviewing the application.

City of North Tonawanda

OFFICE OF THE CITY ATTORNEY
CITY HALL
216 PAYNE AVENUE
NORTH TONAWANDA, N.Y. 14120-5489

EDWARD A. ZEBULSKE, III
CITY ATTORNEY

NICHOLAS B. ROBINSON
ASSISTANT CITY ATTORNEY

TELEPHONE
(716) 695-8590
FAX (716) 695-8592

JUL 02 2024

June 27, 2024

North Tonawanda City Council
ATTN: Donna Braun, City Clerk/Treasurer
216 Payne Avenue
North Tonawanda, NY 14120

Re: Proposed Addendum to the Lease Agreement with JG Production & Entertainment, LLC
(Thursdays on the Water)

Dear Honorable Body:

Attached for your review please find a proposed Addendum to the Lease Agreement relative to the concerts at Gratwick Park beginning very shortly.

Thank you for your consideration in this matter.

Very truly yours,

Edward A. Zebulске III
City Attorney

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CITY CLERK'S OFFICE
2024 JUN 27 AM 11:40
NORTH TONAWANDA NY

ADDENDUM, DATED JUNE 26, 2024, TO CONTRACT BETWEEN THE CITY OF NORTH TONAWANDA ("CITY"), A MUNICIPAL CORPORATION, 216 PAYNE AVENUE, NORTH TONAWANDA, NEW YORK (HEREIN AFTER "LESSOR") AND JG PRODUCTION & ENTERTAINMENT, LLC (HEREIN AFTER "LESSEE") DATED JULY, 2022.

NOW, THEREFORE, in consideration of the covenants and conditions set forth, Lessor and Lessee hereby agree to the following amendments to the original Agreement.

1. Paragraph 5 to be amended as follows:

"5. Security/Emergency Personnel: In addition to the aforementioned rent set forth in paragraph 3 above, lessee shall provide proper security guards/parking attendants for the event, the proper number to be at the discretion of the North Tonawanda Police Chief.

The number of said uniformed North Tonawanda Police Officers shall be at the sole discretion of the North Tonawanda Police Chief at the sole expense of the lessee. Lessor will make the North Tonawanda auxiliary police available to assist with traffic control at the said venue on the agreed upon dates."

2. Paragraph 6 to be removed and replaced as follows:

"6. Restrooms: The lessor hereby allows the use of the Park's restroom facilities for each concert. Such permission shall be withdrawn, if, in lessor's sole opinion, the facilities are misused, damaged, vandalized or in any other way diminished. The lessee hereby agrees to pay to the lessor \$170 per concert for said use. Said payment to be paid no later than ten days after the final concert. In addition, Lessee shall provide a minimum of eight (8) portable restrooms for each concert at their sole expense."

Wherefore the parties here too have set their hands and seals the day and year first above written.

CITY OF NORTH TONAWANDA

JG PRODUCTION & ENTERTAINMENT, LLC

BY:

BY:

AUSTIN J. TYLEC, MAYOR

JESSE GOOCH, PRESIDENT

JEFFREY ZELLNER
CITY ACCOUNTANT

JENNIFER CRESS
PAYROLL PERSONNEL SPECIALIST

SHERI GAMPP
JUNIOR ACCOUNTANT

City of North Tonawanda

DEPARTMENT OF ACCOUNTING
CITY HALL
216 PAYNE AVENUE NORTH
TONAWANDA, N.Y. 14120

TELEPHONE: (716) 695-8545

FAX: (716) 695-8573



JUL 02 2024

June 27, 2024

Honorable Austin J. Tylec, Mayor
And Common Council Members
City Hall
216 Payne Avenue
North Tonawanda, NY 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 July 2nd, 2024, and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

Warm Regards,



JEFFREY ZELLNER
CITY ACCOUNTANT

2024 JUN 27 AM 11:02
NORTH TONAWANDA NY

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IX

JUL 02 2024

June 26, 2024

Honorable Austin J. Tylec, Mayor
and Common Council Members
City Hall
216 Payne Avenue
North Tonawanda, New York 14120

Re: New Street Light – 1367 Lexington

Dear Honorable Body:

In conjunction with the City Engineering Department, we requested the annual facilities and energy use charges for a new LED street light from National Grid for a new street light just north of 1367 Lexington adjacent to the Wurlitzer Park. The estimated annual cost per street light is approximately \$188.70 from National Grid.

I recommend that the Council resolve to authorized National Grid to install a new street light just north of 1367 Lexington Avenue and that the City Clerk be directed to send a copy of the Council's Resolution to Ms. Bernice Montague, Customer Representative for National Grid.

Please let me know if you have any further questions or concerns. Thank you for your consideration.

Very truly yours,



Mark Zellner
Department of Public Works Superintendent

MZ:cls

Cc: file
Chelsea L. Spahr, PE, City Engineer
Edward A. Zebulske III, City Attorney
Jeffery Zellner, City Accountant
Bernice Montague, National Grid

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2024 JUN 26 PM3:00
NORTH TONAWANDA NY



Department of Police
CITY OF NORTH TONAWANDA
216 Payne Avenue
North Tonawanda, N.Y. 14120-5491

TELEPHONE
(716) 692-4111
FACSIMILE
(716) 692-4321
EMERGENCY NO.
9-1-1

XXV. /

JUL 02 2024

Office of the Chief of Police

June 27, 2024

Honorable Mayor Austin J. Tylec and
Members of the City of North Tonawanda Common Council

Dear Sirs,

Please find the attached Summary of Police Activities Report, the Summary of Criminal Activities Report, and the V&T Report for the month of MAY 2024.

Respectfully Submitted,

Keith T. Glass
Chief of Police

cc: Joe Loncar
cc: Robert Schmigel
cc: Frank DiBernardo
cc: Joseph Lavey Jr.
cc: Joe Marranta

KTG/as

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2024 JUN 27 PM 1:32
NORTH TONAWANDA NY

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|---|
| <p>NORTH TONAWANDA POLICE DEPARTMENT SUMMARY OF POLICE ACTIVITIES FOR THE MONTH OF MAY 2024</p> |
|---|

CRIMINAL

| | |
|--|-------------------------|
| Complaints received and investigated | 95 |
| Complaints cleared by arrest or exceptional clearance | 37 |
| Complaints ruled unfounded | 0 |
| Number of males arrested | under 18: 0 over 18: 28 |
| Number of females arrested | under 18: 0 over 18: 7 |
| Arrests for other authorities | 0 |
| Failure to Appear/Violation of Probation Warrant Arrests | 0 |
| Above complaints cleared by J.A.B. | 32 |
| Complaints cleared by J.A.B. from previous months | 0 |

TRAFFIC

| | |
|--------------------------|------|
| Traffic summonses issued | 1140 |
| DWI arrests | 7 |
| Parking tags issued | 26 |

MISCELLANEOUS

| | |
|---|--------------|
| Miscellaneous service | 2,849 |
| Incident reports | 104 |
| Vehicle accidents | 45 |
| Vehicle accidents (fatal) | 1 |
| Vehicle stops | 962 |
| Police escorts | 1 |
| Prisoner meals | 119 |
| Mug shots taken | 41 |
| Fingerprints taken | 41 |
| Persons missing and located | 0 |
| Automobiles stolen | 6 |
| Automobiles recovered | 1 |
| Automobiles recovered for other authorities | 1 |
| Record check fees | \$180.00 |
| Photocopy fees | \$33.00 |
| Fingerprint fees | \$0.00 |
| Fines collected | \$76,694.00 |
| Value of property damaged | \$3,290.00 |
| Value of property stolen | \$306,662.27 |
| Value of property recovered | \$160,300.00 |

Respectfully submitted,



Keith T. Glass
Chief of Police

KTG/as

| |
|--|
| <p>NORTH TONAWANDA POLICE DEPARTMENT SUMMARY OF CRIMINAL ACTIVITIES FOR THE MONTH OF MAY 2024</p> |
|--|

CRIMINAL FELONIES, MISDEMEANORS AND OFFENSES

| <u>TYPE OF OFFENSE</u> | <u>COMPLAINTS</u> | | |
|---|-------------------|-----------|-----------|
| | Received | Cleared | Unfounded |
| AGG. ASSAULT | 1 | 1 | |
| ALL OTHER OFFENSES | 22 | 15 | |
| ARSON | 0 | 0 | |
| BURGLARY | 6 | 1 | |
| COERCION | 0 | 0 | |
| CRIMINAL MISCHIEF | 3 | 0 | |
| CRIM POSS WEAPON | 5 | 3 | |
| DIS CON/HARASS | 14 | 11 | |
| DRUG OFFENSES | 8 | 0 | |
| EMBEZZLEMENT | 0 | 0 | |
| FAILURE TO APPEAR | 15 | 15 | |
| FORGERY | 0 | 0 | |
| FRAUD (ID THEFT) | 3 | 1 | |
| LARCENY | 18 | 2 | |
| LEAVING THE SCENE | 5 | 0 | |
| MURDER | 0 | 0 | |
| RAPE | 1 | 0 | |
| ROBBERY | 1 | 1 | |
| SEXUAL OFFENSES | 2 | 1 | |
| SIMPLE ASSAULT | 0 | 0 | |
| STOLEN PROPERTY | 0 | 0 | |
| UNAUTH USE M/V | 6 | 1 | |
| VIOL OF PROBATION | 0 | 0 | |
| ARRESTS FOR OTHER AUTHORITIES | | | 0 |
| ARRESTS/CLEAR COMPS. FM PREV MONTHS | | | 0 |
| TOTALS | 110 | 52 | 0 |
| # OF ABOVE COMPLAINTS CLEARED BY JAB | | 32 | |
| # CLEARED BY JAB FROM PREV MONTHS | | 0 | |

| |
|--|
| V & T REPORT FOR THE MONTH OF MAY 2024 |
|--|

TRAFFIC INFRACTIONS:

| | |
|---|-------|
| SPEEDING | 345 |
| REDLIGHT VIOLATION | 66 |
| STOP SIGN VIOLATION | 174 |
| NO REGISTRATION | 25 |
| NO LICENSE | 36 |
| FAULTY EQUIPMENT | 49 |
| NO INSPECTION | 46 |
| FAILED TO YIELD RIGHT OF WAY | 7 |
| SEAT BEAT VIOLATION | 64 |
| NO INSURANCE | 9 |
| LICENSE PLATE VIOLATION | 10 |
| IMPROPER TURN | 12 |
| DROVE ON LEFT SIDE OF PAVEMENT MARKINGS | 7 |
| FAILED TO KEEP RIGHT | 7 |
| LEAVING SCENE OF INCIDENT | 4 |
| FAILURE TO SUBMIT TO PRE-SCREEN BREATH TEST | 0 |
| AVOIDING INTERSECTION OR TRAFFIC CONTROL DEVICE | 1 |
| FAILURE TO NOTIFY COMMISSIONER OF CHANGE OF ADDRESS | 5 |
| UNSAFE BACKING | 3 |
| MISCELLANEOUS | 187 |
| TOTAL | 1,057 |

TRAFFIC MISDEMEANORS:

| | |
|--|----|
| DWI | 10 |
| OPERATING WHLE REGIS. SUSPENDED/REVOKED | 9 |
| AGGRAVATED UNLICENSED OPER 3RD | 27 |
| AGGRAVATED UNLICENSED OPER 2ND | 13 |
| RECKLESS DRIVING | 3 |
| LEAVING SCENE INJURY ACCIDENT | 0 |
| DISPLAY FORGED CERTIFICATE W/O INSPECTION | 0 |
| OPER MV WHEN LICENSE/REGISTRATION IS SUSPENDED | 0 |
| FAILURE TO SURRENDER SUSP/REVOKED LICENSE/REGIS | 17 |
| USE/LEASE/RENTED/LOANED VEHICLE W/O INTERLOCK DEVICE | 2 |
| EQUIPMENT VIOLATIONS - MISDEMEANOR | 0 |
| FAIL TO SECURE SHIFTABLE LOAD/LOGS INSECURELY FASTENED | 0 |
| ILLEGAL SPEED CONTEST | 0 |
| POSSESSION OF A LOADED FIREARM IN/ON VEHICLE | 0 |
| TOTAL | 81 |

TRAFFIC FELONIES:

| | |
|--|---|
| AGGRAVATED UNLICENSED OPERATION 1ST | 2 |
| AGGRAVATED DWI/CHILD IN VEHICLE | 0 |
| OPERATE MV .08 OF 1% OR MORE ALC-PRIOR CONV DESIG | 0 |
| DWI/PREVIOUS CONVICTION W/IN 10 YEARS | 2 |
| DRIVING W/ABILITY IMPAIRED BY DRUG(SPECIAL) | 0 |
| DRIVING W/ABILITY IMPAIRED BY DRUG(FELONY) | 0 |
| LEAVING SCENE ACCIDENT RESULTING IN SERIOUS INJURY | 0 |
| TOTAL | 4 |

FINES (CITY IMPOSED):

| | |
|-----------------|-------------------|
| TRAFFIC | \$73,804.00 |
| PENAL LAW | \$430.00 |
| CITY ORDINANCE | \$50.00 |
| BAIL FORFEITURE | \$0.00 |
| ABC LAW | \$0.00 |
| PARKING TAGS | <u>\$2,410.00</u> |
| TOTAL | \$76,694.00 |

MUG SHOTS: 41

PARKING TAGS: 26

MEAL TICKETS: 119

**THIRD WARDERS SOCIAL CLUB
147 12TH AVENUE
NORTH TONAWANDA, NY 14120**

CFO. A.

JUL 02 2024

June 4, 2024

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

RE: TWSC Family Picnic / Saturday / August 17th

Dear Honorable Body,

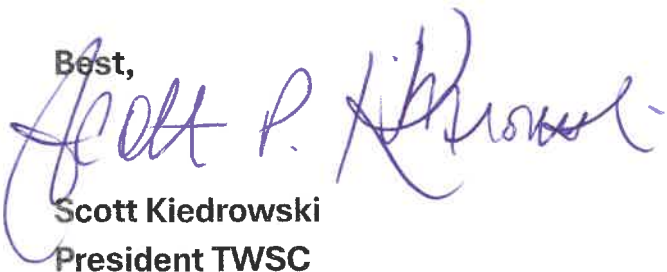
On Saturday August 17th the Third Warders is conducting its annual club family picnic.

We respectfully request permission to block off 12th Avenue from Gilmore Street to our driveway entrance on 12th Avenue on Saturday August 17th beginning at 12:00PM in the afternoon and ending at 5PM. Many children will be participating in activities in front of our property on this day and we want to ensure that everyone remains safe.

Lastly, we ask that the Department of Public Works drop off barriers as they have in years past to let motorists know that a portion of the street has been shut down for the day.

We thank you in advance for your help with our annual request.

Best,


Scott Kiedrowski
President TWSC

2024 JUN 10 AM 9:25
NORTH TONAWANDA NY

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