**THE HONORABLE BODY**
**Council Chambers**
**Municipal Building**
**North Tonawanda, New York 14120**
**Tuesday, May 21, 2024**
**6:30 P.M.**

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

**PLEDGE OF ALLEGIANCE**

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**ROLL CALL**

| | |
|---|---|
| **Present:** | **President DiBernardo**<br>**Alderman Schmigel, Loncar, Lavey, Marranca** |
| **Absent:** | **None** |
| **Also Present:** | **Mayor Austin J. Tylec**<br>**City Attorney Edward A. Zebulske III** |

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# ***PROCLAMATION FOR ALS AWARENESS***

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**AUDIENCE PARTICIPATION**

**Darlene Bolsover 1337 Sweeney Street**

1. **When is the In Rem Auction taking place this year?**
2. **Would like to know updates and completion dates on the Sweeney street Bike path.**
3. **Why is the Tonawanda Island property going out for an RFP and not being placed on the Auction.**
4. **What are the increases on the parking tickets for?**

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**APPROVAL OF THE MINUTES OF THE REGULAR SESSION MAY 7, 2024**

**MOVED by Alderman Marranca SECONDED by Alderman Lavey**
**That the minutes of the regular session held May 7, 2024 be approved as circulated and filed in the Office of the City Clerk.**
**Ayes: Alderman Schmigel, Marranca, Loncar, Lavey, DiBernardo (5)**
**Nays: None (0)**
**CARRIED.**

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**PROOF OF PUBLICATION PUBLISHED 05/2/2024**

1) **Legal Notice – Completion of the 2024 Tentative Assessment Roll – City Assessor**

**PROOF OF PUBLICATION PUBLISHED 5/8/2024**

1) **Legal Notice – Request for Proposals for the Sale and Development of a vacant parcel of land located at 78 Bridge Street – Dir. Community Development**

**MOVED by Alderman Schmigel SECONDED by Alderman Lavey**
**That the Common Council hereby receives and files the aforementioned Proof of Publications.**
**Ayes: Alderman Schmigel, Marranca, Loncar, Lavey, DiBernardo (5)**
**Nays: None (0)**
**CARRIED.**

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## COMMUNICATIONS FROM CITY OFFICIALS

**III. Clerk-Treasurer**

**May 10, 2024**

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

**Dear Honorable Mayor and Common Council:**

**Please be advised that I have received payment in full for back City, School and County taxes, per their tax agreement with the City, for the following parcel:**

**182.24-1-38.1 804 Revere Avenue Coogan Regina**

**Therefore, please pass the necessary resolution withdrawing this parcel from the appropriate In Rem foreclosure proceeding.**
**Thank you for your cooperation.**

**Very truly yours,**
**Denise Proefrock**
**Assistant City Clerk**

**MOVED by Alderman Lavey SECONDED by Alderman Marranca**
**That the Common Council hereby approves the removal of the following parcel:**

**182.24-1-38.1 804 Revere Avenue Coogan Regina**

**From the appropriate In Rem foreclosure proceeding for payment in full of City, School and County Taxes.**
**Ayes: Alderman Schmigel, Marranca, Loncar, Lavey, DiBernardo (5)**
**Nays: None (0)**
**CARRIED**

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**IV.1 Engineer**

**May 15, 2024**

**Austin J. Tylec, Mayor**
**And Common Council Members**
**City Hall / 216 Payne Avenue**
**North Tonawanda, NY 14120**

**Re: Erie Canal Bike Path Extension – Federal Wetland Mitigation Credit Purchase**

**Honorable Body:**

**The Erie Canal Bike Path Extension Project will impact 0.21-acre of Federal jurisdiction wetlands along Sweeney Street in the vicinity of 1655 Sweeney Street. As this impact will be permanent and unavoidable, and mitigation on site is not feasible, the Army Corps of Engineers (ACOE) will require, as part of their permit, that the City of North Tonawanda purchase 0.26-acre of wetland credits from Ducks Unlimited In Lieu Fee Mitigation Program Niagara River Service Area. Please see attached AOCE permit.**

**Currently, a 1.00-acre wetland credit from Ducks Unlimited is $136,800.00. the City's 0.26-acre wetland credit will be $35,568.00. I have attached the invoice from Ducks Unlimited Inc. for your reference as well.**

**I therefore recommend that the Common Council authorize the payment to purchase wetland credits from Ducks Unlimited Inc., 1035 Seventh North Street, Suite H, Liverpool, NY 13088; in an amount of $35,568.00; subject to review by the City Attorney.**

**Very truly yours,**
**Chelsea L. Spahr, P.E.**
**City Engineer**

**MOVED by Alderman DiBernardo SECONDED by Alderman Lavey**
**That the Common Council hereby approves payment of $35,568.00 to purchase wetland credits from Ducks Unlimited Inc., 1035 Seventh North Street, Suite H, Liverpool, NY 13088.**
**Ayes: Alderman Schmigel, Marranca, Loncar, Lavey, DiBernardo (5)**
**Nays: None (0)**
**CARRIED**

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**IV.2 Engineer**

**May 15, 2024**

**Austin J. Tylec, Mayor**
**And Common Council Members**
**City Hall / 216 Payne Avenue**
**North Tonawanda, NY 14120**

**Re: North Tonawanda Stormwater Program Assistance Agreement**

**Honorable Body:**

**As part of the city's commitment as a member of the Western New York Stormwater Coalition beginning in 2010, the city has implemented as stormwater program to bring the city in compliance with the stormwater regulations and requirements of the Federal and State Government with the assistance of JM Davidson Engineering D.P.C.**

**The task of the consultant are to attend WNYSC Meetings, to prepare the annual stormwater report for submission to NYSDEC, to inspect and report on all City storm water detention facilities and stormwater management units, to assist the DPW in the annual inspection of the City's storm sewer outfalls to the Niagara River, and Tonawanda and Sawyer Creeks respectively, and to assist the City with SWPPP reviews and inspections. This year, the NYSDEC has enacted a new stormwater permit which will require additional services including interim progress certification, an update and revision to the City's SWMP Plan, creation of a draft enforcement response plan, additional public education and outreach, illicit discharge detection and elimination, post construction stormwater management, and to coordinate and develop a pollution prevention/good housekeeping program for all municipal operations that includes, public works, water, wastewater and recreation departments and to ensure their compliance.**

**Accordingly, I respectfully request the Common Council approve the enclosed 2024 North Tonawanda Stormwater Program Assistance Agreement with JM Davidson Engineering, D.P.C., 935 Sheridan Drive, Suite 120, Tonawanda, NY 14150 in an amount not to exceed**

**$50,000; authorizing the Mayor to sign said agreement, subject to the review by the City Attorney.**

**Very truly yours,**
**Chelsea L. Spahr, P.E.**
**City Engineer**

**MOVED by Alderman Schmigel SECONDED by Alderman Loncar**
**That the Common Council hereby approves the 2024 North Tonawanda Stormwater Program Assistance Agreement with JM Davidson Engineering, D.P.C., 935 Sheridan Drive, Suite 120, Tonawanda, NY 14150 in an amount not to exceed $50,000, and authorizes the Mayor to sign said agreement.**
**Ayes: Alderman Schmigel, Marranca, Loncar, Lavey, DiBernardo (5)**
**Nays: None (0)**
**CARRIED**

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**V. Supt. Water/Wastewater**

**May 14, 2024**

**Honorable Mayor Austin Tylec**
**And Common Council**
**216 Payne Avenue/City Hall**
**North Tonawanda, NY 14120**

**Re: Wastewater Treatment Plant Solids Handling Improvements Design RFP**

**Honorable Body:**

**On May 7, 2024, after reviewing engineering design proposals, we have decided to move forward with Hazen and Sawyer. Once approved, contracts and insurance will follow.**

**Based upon the performance and experience of this company, I recommend that Hazen and Sawyer be awarded these services to provide North Tonawanda with the design services for the Wastewater Treatment Plant Solids Handling Improvements. Attached is their proposed project schedule and price for the project.**

**Please contact me if you have any questions or concerns regarding this service proposal. Thank you for your time and consideration of my request.**

**Very truly yours,**
**Jason W. Koepsell**
**Supt. Water/Wastewater**

**MOVED by Alderman Schmigel SECONDED by Alderman Marranca**
**That the Common Council hereby approves the award of the design services for the North Tonawanda Wastewater Treatment Plant Solids Handling Improvements project to Hazen and Sawyer**
**Ayes: Alderman Schmigel, Marranca, Loncar, Lavey, DiBernardo (5)**
**Nays: None (0)**
**CARRIED**

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**VII. Accountant**

**May 16, 2024**

**Honorable Austin J. Tylec, Mayor**
**and Common Council**
**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 May 21st, 2024 and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.**

**Warm regards,**
**Jeffrey R. Zellner**
**City Accountant**

**MOVED by Alderman Lavey SECONDED by Alderman Schmigel**
**That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated May 21st, 2024, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:**

| | | |
|---|---|---|
| 01 | General Fund | $328,989.80 |
| 02 | Water Fund | $40,113.68 |
| 04 | Sewer Fund | $62,887.60 |
| 06 | Capital Project Fund | $395,375.10 |
| 07 | Trust & Agency Fund | $19,518.43 |
| 00 | Final Total | $846,884.61 |

**Ayes: Alderman Schmigel, Marranca, Loncar, Lavey, DiBernardo (5)**
**Nays: None (0)**
**CARRIED.**

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**X. Police Chief**

**May 13, 2024**

**Honorable Mayor Austin Tylec**
**And Common Council**
**216 Payne Avenue**
**North Tonawanda, NY 14120**

**Dear Honorable Body,**

**I am requesting the Council approve an increase in fines for violations listed on The North Tonawanda Police Department parking summons (NT61). Fine increases will not go into effect until we deplete the stock of our current parking tags and order new booklets, which will occur near the end of 2024. To account for inflation and to stay closer in line to the fine amounts assessed by surrounding departments, I propose the following:**

**Violations with a $25 fine increase to $30.**
**Violations with a $35 fine increase to $40.**
**Handicap parking violations increase from $60 to $100 (similar to City of Tonawanda)**

**Thank you for your consideration in this matter.**

**Respectfully,**
**Keith Glass**
**Chief of Police**

**MOVED by Alderman Marranca SECONDED by Alderman DiBernardo**

**That the Common Council hereby tables this item at this time. Asking this to be re-submitted with a start date from the Chief on when the increases proposed will be in effect, on the North Tonawanda Police Department parking summons (NT61) fines for the following:**

**Violations with a $25 fine increase to $30.**
**Violations with a $35 fine increase to $40.**
**Handicap parking violations increase from $60 to $100**

**Ayes: Alderman Schmigel, Marranca, Loncar, Lavey, DiBernardo (5)**
**Nays: None (0)**
**CARRIED.**

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**XI. Fire Chief**

**May 10, 2024**

**Clerk Treasurer Donna Braun**
**216 Payne Avenue**
**North Tonawanda, NY 14120**

**Clerk-Treasurer Braun,**

**The 2024 Fireman's Inspection Day Parade will be held on June 15th, 2024. Lineup will begin at 12:00 PM on Buffalo Bolt Way in North Tonawanda with the Parade itself beginning at 1:00 PM. I respectfully request your participation in this event.**

**This year's Parade will be taking a different route. Formation will be on Buffalo Bolt Way. The route will begin Northeast on Oliver Street and continue to Ward Road, where it will turn Southeast. There will be a reviewing area for Fire Officers and City Officials on the ramp of NTFD Engine 6. The Parade will then terminate at the second parking lot on the West side of Gratwick Hose.**

**An appreciation picnic will be held immediately following the Parade at Gratwick Grove. There will be food and entertainment including a live band and bounce houses. Currently the North Tonawanda Fire Department, Tonawanda Fire Department, Tri-Community Ambulance Service, and Adams Fire Company have committed to the Parade.**

**If additional information is needed or you have any questions, please contact North Tonawanda Fire Headquarters at 716-693-2201.**

**Sincerely,**
**Joseph D. Sikora**
**Fire Chief**

**MOVED by Alderman Lavey SECONDED by Alderman Loncar**
**That the Common Council hereby grants permission for the North Tonawanda Fire Department to hold their Fireman's Parade, Saturday, June 15th closing Oliver Street from Buffalo Bolt Way down to Ward Road to Gratwick Fire Hose, from 12:00pm to 1:00pm, and directs the Police Department and DPW to help with said event.**
**Ayes: Alderman Schmigel, Marranca, Loncar, Lavey, DiBernardo (5)**
**Nays: None (0)**
**CARRIED.**

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**XIX. Building Inspector**

**May 16, 2024**

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

**Mayor and Honorable Council:**

**I am submitting my request for approval of the 2024 grass cutting services for the City of North Tonawanda. My office received two bids for these services from the following companies:**

**Bidder A: Tolsma Landscaping Services, 470 Frankhauser Rd. Amherst, NY**
**Bidder B: CLF Complete Lawn Care and Fencing Inc. 378 Witmer Rd. North Tonawanda**

**With regards to CLF Complete Lawn care and Fencing, I do not feel their quality of work was sufficient from services rendered in years past.**

**During past performance with the city, my office observed poor quality services and the work was not completed to our satisfaction. As such, I am recommending the council approve the contract to Tolsma Landscaping Services for the 2024 grass cutting services. They were awarded the contract in 2023 and services rendered exceeded my department's expectations.**

**Thank you for your consideration.**

**Robert C. DePaolo**
**Building Inspector**

**MOVED by Alderman Schmigel SECONDED by Alderman Marranca**
**That the Common Council hereby approves the 2024 grass cutting contract to Tolsma Landscaping Services.**
**Ayes: Alderman Schmigel, Marranca, Loncar, Lavey, DiBernardo (5)**
**Nays: None (0)**
**CARRIED.**

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**XXV. Monthly Reports**

**.1 Senior Citizen Center .2 Clerk-Treasurer**

**MOVED by Alderman Lavey SECONDED by Alderman DiBernardo**
**That the Common Council hereby receives and files the aforementioned Monthly Reports.**
**Ayes: Alderman Schmigel, Marranca, Loncar, Lavey, DiBernardo (5)**
**Nays: None (0)**
**CARRIED.**

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**XXXII. Community Development**

**May 6, 2024**

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

**Re: Restore NY Communities Initiative – Round 8**

**Dear Honorable Body:**

**Empire State Development recently announced the Restore NY Communities Initiative grant with the purpose of *"providing municipalities with financial assistance for revitalization of commercial and residential properties. The program encourages community development and neighborhood growth through the elimination and redevelopment of blighted structures."***

**Municipalities may apply for up to $2 Million and eligible projects must *"demolish, deconstruct, rehabilitate and/or reconstruct vacant, abandoned, condemned and surplus properties."* Successful applications should demonstrate as many of the following as possible: project feasibility, project readiness, location within an urban downtown, location within a Brownfield Opportunity Area, consistent with community redevelopment plan, ability to induce commercial investment, and clearly identified need.**

**Given the criteria noted above, with a particular emphasis from Empire State Development on project feasibility and project readiness, the Department of Community Development believes that the 235 River Road mixed-use development project, led by 235 River Road LLC/Alpine Construction would make a strong application.**

**235 River Road (and 190 Main Street) is currently a 3.1 acre blighted property along a key gateway point connecting Downtown to the Niagara River waterfront. Redevelopment of this property has been identified as a key revitalization opportunity in the NT Momentum Plan.**

**With assistance from the Restore NY program, this would aid in the demolition and reconstruction of the property to include a mixed-use and commercial development project consisting of a four-story building with 40 market rate apartments, and a four story/one story building with 32 apartments, 9,400 SF of commercial space, clubhouse/amenity space, 166 parking spaces, landscaping, lighting and utility improvements.**

**The Department of Community Development held a required public hearing for this application on May 14th, 2024 and has met the requirements for publishing the Property Assessment List in the Niagara Gazette.**

**I kindly request your authorization for the attached Municipal Resolution, and for the Mayor to sign and submit a grant application for approximately $2,000,000 to Empire State Development under the Round-8 Communities Initiative, which is due on May 22nd, 2024.**

**I appreciate your consideration in this matter.**

**Sincerely,**
**Laura Wilson**
**Dir. Community Development**

**MOVED by Alderman Loncar SECONDED by Alderman Marranca**
**That the Common Council at a regular session meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 PM on May 21st, 2024, approves a Resolution to submit a grant application to Empire State Development under the Round-8 Restore NY Communities Initiative and it reads as follows:**

**WHEREAS,** Empire State Development Corporation is accepting applications to Round 8 of the Restore NY Communities Initiative grant with the purpose of providing properties; and

**WHEREAS,** municipalities may apply for up to $2,000,000 and eligible projects must demolish, deconstruct, rehabilitate and/or reconstruct vacant, abandoned, condemned and surplus properties; and

**WHEREAS,** criteria for successful grant applications include project feasibility, project readiness, location within an urban downtown, location within a Brownfield Opportunity Area, consistency with community redevelopment plan, ability to induce commercial investment, and clearly identified need; and

**WHEREAS,** the City of North Tonawanda has identified one property located at 235 River Road which meets the Restore NY Communities Initiative criteria; and

**NOW, THEREFORE, BE IT RESOLVED,** that the North Tonawanda Common Council finds the 235 River Road Redevelopment project to be consistent with the City's local urban revitalization plans; that the proposed financing is appropriate for the project; that the project

facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and the project develops and enhances facilities in a manner that will attract, create and sustain housing opportunities; and

**BE IT FURTHER RESOLVED** that the North Tonawanda Common Council hereby authorizes the Mayor to sign and submit a grant application request in an amount of $2,000,000 to Empire State Development Corporation for the Restore NY Communities Initiative.

**Ayes: Alderman Schmigel, Marranca, Loncar, Lavey, DiBernardo (5)**
**Nays: None (0)**
**CARRIED.**

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## COMMUNICATIONS FROM OTHERS

**A.**
**Columbia Hook & Ladder Co.**

**May 15, 2024**

**Honorable Austin Tylec, Mayor**
**And Common Council**
**216 Payne Avenue**
**North Tonawanda, NY 14120**

**Re: Volunteer Firefighter 25-Year Exemption**

**Dear Council and Mayor:**

**We request a 25-Year Volunteer Firefighter Exemption be granted to, and the Certificate be prepared, for**

**John W. Veach**

**He joined Gratwick Hose Co. July 6, 1992, serving there 9 years, then left there and joined Columbia Hook & Ladder Co. No.1 on May 2, 2001, and continues activities with our fire company. He has 32 years in the volunteer fire service in North Tonawanda combined in the two companies.**

**Very truly yours,**
**David L Evans**
**Recording Secretary**

**MOVED by Alderman Lavey SECONDED by Alderman Schmigel**
**That the Common Council hereby grants and Exemption Petition to John W. Veach for 25 years of service as a Volunteer Firefighter for the North Tonawanda Fire Department.**
**Ayes: Alderman Schmigel, Marranca, Loncar, Lavey, DiBernardo (5)**
**Nays: None (0)**
**CARRIED.**

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**AUDIENCE PARTICIPATION**

**Darlene Bolsover 1337 Sweeney Street-**

1. **Does the city have a policy on Speaking at meetings?**
2. **Timeframe of completion of the Bike path?**

3. **When is the council going to pass the Moratorium proposed last week at the Workshop for similar businesses like Bitcoin. Also when will the council be updating codes and zoning on our noise ordinances.**

**Joe Midura 115 10th Avenue-**
**Would like the city to look into the NYS SWIMS Program just released by Governor Hochul. He suggested that the city work with the School District and utilize the pools at the schools that aren't being used and we can us them for swim lessons.**
**Also would like to have the city look at the areas that have parking on both sides of the street-it is a problem.**

**Patti Meckes-from CAWTILE-Citizens Against Wind Turbines in Lake Erie address the council asking for them to pass a resolution. She is asking many municipalities to do the same thing. She will send all the information.**

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**ADJOURNMENT**

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

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**Time of Adjournment: 7:31 P.M.**

**Executive Session – Union Contract Discussion**

**MOVED by Alderman Loncar SECONDED by Alderman DiBernardo**
**To convene an Executive Session of the Common Council.**
**Ayes: Alderman Schmigel, Marranca, Loncar, Lavey, DiBernardo (5)**
**Nays: None (0)**
**CARRIED.**

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**MOVED by Alderman Loncar SECONDED by Alderman Lavey**
**To go out of the Executive Session of the Common Council.**
**Ayes: Alderman Schmigel, Marranca, Loncar, Lavey, DiBernardo (5)**
**Nays: None (0)**
**CARRIED.**

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**Time of Adjournment: 8:00 P.M.**

**Respectfully submitted,**

Donna L. Braun

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