

Sincerely,
Austin Tylec
Mayor

MOVED by Alderman Marranca SECONDED by Alderman Loncar
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 June 4th, 2024, approved a Resolution to Oppose Offshore Wind Facilities in Lake Erie and it reads as follows:

RESOLUTION SUBMITTED BY THE CITY OF NORTH TONAWANDA OPPOSING OFFSHORE WIND FACILITES IN LAKE ERIE

WHEREAS, NY State has passed the Climate Leadership and Community Protection Act (the Climate Act) calling for 70 percent of electricity in the state to be produced by renewable resources by 2030, and 100 percent of the state's electricity be generated by renewable resources by 2040; and

WHEREAS, Congressman Nicholas A. Langworthy has voiced deep concern on the addition of Wind Turbines and introduced legislation to curb this negative development. H.R. 426, the *Lakes Before Turbines Act* would protect our environment and local economies from ill-conceived wind energy projects on these waters.

WHEREAS, wind energy has been designated by the Climate Act as an essential form of renewable energy; and

WHEREAS, there are a number of commercial wind energy facilities operating in Western New York, with more in the planning and permitting stages; and

WHEREAS, NY State's power grid manager New York Independent Systems Operator (NYISO) has determined the Western New York zone of grid to be 89 percent free of carbon emissions in the generation of electricity; (1), and

WHEREAS, NYISO has described the lack of electricity transmission facilities capable of transmitting electricity from Western New York to downstate grid zones which are 90 percent dependent on fossil fuels for generating electricity; (2), and

WHEREAS, the New York State Energy Research and Development Authority determined in 2022 that this is not the right time to consider constructing offshore wind facilities in Lake Erie; (3), and

WHEREAS, the offshore wind industry is experiencing global difficulties related to inflation and supply line shortages as evidenced by the recent NY State Public Service Commission decision denying industry requests for higher power delivery rates: (4), and

WHEREAS, the long planned Lake Erie offshore wind energy project known as Icebreaker Wind near Cleveland, Ohio, has recently been suspended (4a),

WHEREAS, questions concerning offshore wind energy facilities in fresh water bodies remain unanswered such as these which are not included in the NYSERDA reports of 2011 and 2022:

- What assurances that toxic industrial wastes in the lakebed will not be disturbed to endanger safe drinking water and enter the food chain of Lake Erie's fish and bird species (5)
- How would the placement of offshore wind turbines in Lake Erie affect the migratory pathways and behavior of economically important game fish (6)
- What would be the impact on tourism of placing wind turbines in Lake Erie (7)
- Specifically, how would offshore wind turbines in Lake Erie contribute to the emissions reduction goals of the Climate Act (8)
- How would the radar interference created by offshore wind turbines in Lake Erie affect the safety of shipping, recreational boating, search and rescue operations and international border security (9)
- How would microplastics and toxic chemicals like BPA and PFAS emitted by wind turbines impact water quality and the ecology of Lake Erie (10)

- How much oil and other petroleum products are contained within each offshore wind turbine and how would oil spills from wind turbines be mediated, and other maintenance performed during annual periods of ice coverage on Lake Erie (11)
- How would noise and vibrations emitted by wind turbines impact the quiet enjoyment of Lake Erie by fishers, boaters and nearshore residents and visitors (12)
- What are the effects of vibrations emitted by wind turbines on the organisms living in the lakebed. (13)
- How would the blinking red lights atop each offshore wind turbines be reconciled with increased interest in preventing light pollution in dark skies (14)
- What would be the impact of placing offshore wind turbines in Lake Erie's migratory flyways of birds, bats and butterflies (15)
- What are the cumulative impacts of placing offshore wind turbines in Lake Erie given the already large concentration of onshore wind turbines along the Ontario shoreline and the elevations overlooking the lake in Chautauqua County
- What restrictions or no-go zones would be imposed on fishers and boaters in Lake Erie (16)
- How would the Public Trust Doctrine which serves to protect the interests of all Western New Yorkers in a healthy Lake Erie be honored in the context of primary financial benefits to the offshore wind industry.
- How would offshore wind turbines impact historic sites such as shipwrecks and lighthouses (17)
- Would the rights of the Seneca Nation of Indians to administer water quality standards on the Cattaraugus Reservation be a consideration in placing offshore wind turbines in Lake Erie (18)
- Would the high costs of offshore wind energy in Lake Erie be explained to Town of Hamburg electricity ratepayers in terms of monthly increases to their utility bills.
- How would property values along the lake shore be impacted by viewsheds including offshore wind turbines and their industrial support and maintenance activities.

NOW, THEREFORE BE IT RESOLVED:

The City of North Tonawanda opposes, at this time, any efforts to introduce offshore wind turbines in the waters of Lake Erie.

BE IT FURTHER RESOLVED, that the City of North Tonawanda supports Congressman Nick Langworthy's *Lakes Before Turbines Act* (H.R. 426) and urges its immediate consideration in Congress.

BE IT FURTHER RESOLVED, that the City Clerk-Treasurer shall forward an email copy of this Town Board resolution to:

Honorable Governor Kathy Hochul: melissa.bochenski@exec.ny.gov

Honorable United States Congressman Nicholas Langworthy:

repnicholaslangworthy@mail8.housecommunications.gov

Honorable Senate Majority Leader Andrea Stewart-Cousins: scousins@nysenate.gov

Honorable Senate Minority Leader Rob Ort: ortt@nysenate.gov

Honorable Erie County Executive Mark Poloncarz: county.executive@erie.gov

Assemblyman William Conrad: conradw@nyassembly.gov

Ayes: Alderman Schmigel, Marranca, Loncar, Lavey, DiBernardo

(5)

Nays: None

(0)

CARRIED.

I.2 Mayor

May 30, 2024

**North Tonawanda Common Council
216 Payne Ave (City Hall)**

06-04-2024

North Tonawanda, NY 14120

**RE: AFSCME & OPEIU Memorandum of Agreement
Honorable Body,**

For the past few years, our Department of Public Works (DPW) mechanics under the AFSCME Union have been assisting our Fire Department by maintaining all their vehicles while the fire mechanic was periodically away for months at a time. The fire mechanic has since left for other employment, and recently, a step increase was approved for our CSEA mechanics to maintain all light-duty fire vehicles. However, our DPW mechanics continue to maintain all heavy-duty fire vehicles with no additional compensation, creating an approximate \$4.20/hr gap in compensation between our CSEA and AFSCME mechanics.

After discussions with AFSCME representatives and the DPW Superintendent, I am requesting the Common Council consider approving the following proposals:

1. Increase the compensation for DPW mechanics by \$3.20/hr as long as AFSCME mechanics continue to work on the City Fire heavy duty trucks and equipment. The increase shall be removed and wages reverted back to the original agreement if the AFSCME mechanics are no longer required to work on the heavy duty Fire trucks and equipment.
2. Provide the DPW Superintendent with an annual \$2,000 stipend to oversee the additional maintenance work and will continue for future years if the AFSCME mechanics continue to work on the City Fire heavy duty trucks and equipment. In addition, section 5.5.3 of the OPEIU bargaining agreement states that an employee shall be fairly compensated for additional work they perform.

In discussions with City Accountant Jeff Zellner and Superintendent Mark Zellner, the proposed increase in compensation for our DPW mechanics would cost approximately \$39,941. It is important to note that with a DPW mechanic vacancy and cutbacks on sanitation personnel, we have enough funds in our DPW's personnel service budget line to cover the additional compensation.

This proposal aims to avoid potential grievances and arbitration by providing equitable compensation for additional services rendered by our AFSCME mechanics and DPW Superintendent. This will ensure that our Fire Department vehicles are maintained in a timely fashion.

Thank you for your consideration on this matter.

Respectfully,
Austin Tylec
Mayor

MOVED by Alderman Loncar **SECONDED** by Alderman Marranta
That the Common Council hereby tables the aforementioned requests for further discussion.

Ayes: Alderman Schmigel, Marranta, Loncar, Lavey, DiBernardo (5)

Nays: None (0)

CARRIED.

II. Attorney

May 29, 2024

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

**Re: Proposed Authorization to Add a Water and Wastewater Treatment Plant
Mechanic/Trainee to the City Waterworks Under Section 7.12 of the CSEA
Bargaining Unit Agreement**

Dear Honorable Body:

Per Section 7.12 of the Collective Bargaining Agreement between the City of North Tonawanda and the Civil Service Employees Association, Inc., I am hereby requesting authorization to add a Water and Wastewater Treatment Plant Mechanic/Trainee to the City's Waterworks, at Job Group Title X.

If your Honorable Body concurs, kindly pass a resolution to add the above position, effective June 1, 2024.

Thank you for your consideration in this matter.

Very truly yours,
Edward A. Zebulske, III
City Attorney

MOVED by Alderman DiBernardo **SECONDED** by Alderman Lavey
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 June 4th, 2024, approved the MOA between the City of North Tonawanda and CSEA Local 1000 City of North Tonawanda Unit #7692 to add a Water and Wastewater Treatment Plant Mechanic/Trainee to the City Waterworks and it reads as follows:

MEMORANDUM OF AGREEMENT BETWEEN CITY OF NORTH TONAWANDA AND CIVIL SERVICE EMPLOYEES' ASSOCIATION, INC. LOCAL 1000, AFSCME, AFL-CIO, LOCAL 832 CITY OF NORTH TONAWANDA UNIT #7692

THIS UNDERSTANDING, by and between the City of North Tonawanda (hereinafter, "City") and the Civil Service Employees Association, Local 1000, AFSCME, AFL-CIO, Local 832 Unit 7692 (hereinafter, "CSEA") and,

WHEREAS, the Mayor of the City and CSEA are parties to a collective bargaining agreement (hereinafter, "CBA") covering the period January 1, 2024 through December 31, 2028 and

NOW, THEREFORE, in consideration of the mutual agreements and covenants contained herein, it is understood and agreed by and between the parties as follows:

1. The City and CSEA agree that the title of "Water and Wastewater Treatment Plant Mechanic/Trainee" shall be added to the CSEA Bargaining Unit contract under Section 7.12 Group Title X.
2. This agreement will go into effect June 1, 2024, with the approval of the Mayor,
3. The parties agree that this agreement is without precedent or prejudice to either party with respect to future matters.

IN WITNESS THEREOF, the parties have caused this Agreement to be executed on the 4th Day of June 2024.

Ayes: Alderman Schmigel, Marranca, Loncar, Lavey, DiBernardo (5)

Nays: None (0)

CARRIED.

IV. Engineer

May 28, 2024

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

**Re: Botanical Gardens
Investigation of Black Oily Substance
Professional Services Agreement**

Honorable Body:

As you may be aware, in the fall of last year a black oily substance was observed on the ground at the southern end of the North Tonawanda Botanical Garden. The NYSDEC was contacted, and they advised that the City conduct an environmental investigation to determine the origins of this substance. Attached is a proposal from GHD to perform the needed investigation.

Accordingly, I respectfully request that the Common Council authorize the Mayor to sign an agreement with GHD, 2055 Niagara Falls Blvd., Suite 3, Niagara Falls, NY 14204, to develop the work plan to submit to the NYSDED, HASP Development, field investigation, and final report in the amount \$14,419; subject to review by the City Attorney.

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

MOVED by Alderman Schmigel SECONDED by Alderman Marranta
That the Common Council hereby approves the Professional Services Agreement with GHD, 2055 Niagara Falls Blvd., Suite 3, Niagara Falls, NY 14204, to develop the work plan to submit to the NYSDED, HASP Development, field investigation, and final report for the Black Oily Substance at Botanical Gardens, in the amount of \$14,419 and directs the Mayor to sign said agreement.

Ayes: Alderman Schmigel, Marranta, Loncar, Lavey, DiBernardo (5)
Nays: None (0)
CARRIED

VII.1 Accountant

May 30, 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 June 4th, 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 June 4th, 2024, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$239,191.27
02	Water Fund	\$55,942.38

04	Sewer Fund	\$84,542.82
06	Capital Project Fund	\$201,697.23
07	Trust & Agency Fund	<u>\$3,693.09</u>
00	Final Total	<u>\$585,066.79</u>

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

VII.2 Accountant

May 24, 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 2, Section 5.023, and Section 2.2 of the Budgetary Transfer Policy, please authorize the City Accountant to make the following amendment of fiscal year 2024 appropriations, based on the request of the Department Head, copy attached.

<u>Amount</u>	<u>Increase Account</u>	<u>Decrease Account</u>
\$14,419	001.1440.0480	001.8091.0420
	Engineering – Operations	Gratwick Riverside Park – R&M

Reason: Environmental cleanup at the Botanical Gardens, DEC requested

Warm Regards,
 Jeffrey Zellner
 City Accountant

MOVED by Alderman Lavey SECONDED by Alderman Marranca
 That the Common Council hereby authorizes the City Accountant to make the following
 Budgetary Transfer of fiscal year 2024 appropriations, based on the request of the
 Department Head:

<u>Amount</u>	<u>Increase Account</u>	<u>Decrease Account</u>
\$14,419	001.1440.0480	001.8091.0420
	Engineering – Operations	Gratwick Riverside Park – R&M

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

IX. Supt. Public Works

May 28, 2024

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

Re: Street Lighting – Meadow Drive Extension, Briarwood Drive and East Goundry

Dear Honorable Body:

In conjunction of the Engineering Department, we requested the annual facilities and energy use charges for LED street lighting from National Grid for proposed new street lighting on the Meadow Drive Extension from Wayne Avenue to Erie Avenue, Briarwood Drive from East Goundry to the end, and East Goundry Street from Brentwood Drive to the beginning of the new Bush Meadows subdivision.

We estimate that there will be approximately 29 new street lights to be installed on Meadow Drive and approximately 10 new street lights to be installed on Briarwood Drive/East Goundry Street. The estimated annual cost per street light is approximately \$188.70 from National Grid.

The estimated annual cost for these facilities is \$7,359.30

I recommend that the Council resolve to authorize National Grid to install new street lighting on Meadow Drive, Briarwood Drive, and East Goundry Street 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
Supt. Public Works

MOVED by Alderman Lavey **SECONDED** by Alderman Schmigel
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 June 4th, 2024, approves National Grid to install new street lighting on the Meadow Drive Extension, Briarwood Drive, and East Goundry Street.

Ayes: Alderman Schmigel, Marranca, Loncar, Lavey, DiBernardo (5)

Nays: None (0)

CARRIED.

XI. Fire Chief

May 28, 2024

Honorable Mayor Austin J. Tylec
216 Payne Avenue
North Tonawanda, NY 14120

Re: Appointment of First and Second Assistant Directors in the Emergency Management Office

Dear Honorable Body:

Please be advised that I am appointing Robert R. Orłowski Jr., 598 Meadowbrook Dr., North Tonawanda, NY 14120, to the position of First Assistant Director in the Emergency Management Office. I am also moving James A. Diermyer, 3419 Lockport Rd., Sanborn, NY 14132, from the Third Assistant Director up to the Second Assistant Director. I am confident both will do great in their new positions. Both appointments will be effective June 7th, 2024.

Thank you for your attention to this matter.

Sincerely,
Joseph D. Sikora
Fire Chief

MOVED by Alderman Lavey

SECONDED by Alderman Schmigel

That the Common Council hereby receives and files the appointment of Robert R. Orłowski Jr., 598 Meadowbrook Dr., North Tonawanda, NY 14120, to the position of First Assistant Director in the Emergency Management Office, and James A. Diermyer, 3419 Lockport Rd., Sanborn, NY 14132, to the Second Assistant Director, effective June 7th, 2024.

Ayes: Alderman Schmigel, Marranca, Loncar, Lavey, DiBernardo (5)

Nays: None (0)

CARRIED.

XVII. Traffic Safety

May 28, 2024

Donna Braun
216 Payne Avenue
North Tonawanda, NY 14120

Traffic Safety Minutes:

The May meeting of the North Tonawanda Traffic Safety Committee was called to order at 1800 hours. Roll call showed the following members present: M. Meisenburg, J. Sikora, M. Lemke, N. Ferguson, N. Phelps, A. DiBernardo and B. Brennan. The minutes from the previous meeting were read and accepted, the following new concerns/requests were discussed, and recommendations made.

1. Resident at 107 Claire St. states passage of vehicles is difficult and is requesting no parking signs on his side of the street from Sweeney St. to his residence. The committee denied the request, there is plenty of room on Claire.
2. Resident at 758 Payne Ave Corner of Payne and Spaulding has requested a "No Parking Here to Corner" sign. People are parking close to the intersection blocking the view of drivers turning both onto and off Spaulding. The committee agreed with the request.
3. Resident on Geneva St. requested that Vandervoort and Geneva be reviewed for signs that would prevent cars parking on Vandervoort from blocking the view of drivers leaving Geneva St. After reviewing, heavy parking on Vandervoort was sporadic. The committee denied the request.
4. A request that stated Stop Signs should be installed at the crosswalk in front of the Riviera Theatre (Webster St.). Pedestrian traffic counts have been increasing dramatically making it a hazard at that crosswalk. To calm the vehicles and pedestrians in that area it was agreed upon to install stop signs for 30 days to give both parties a chance.

The next Traffic Safety Meeting will be held on June 17, 2024.

Travel safely,
Matthew R. Meisenburg

MOVED by Alderman Lavey

SECONDED by Alderman Loncar

That the Common Council hereby approves Traffic Safety recommendation #2 and receives and files the Traffic Safety minutes from their May Meeting.

Ayes: Alderman Schmigel, Marranca, Loncar, Lavey, DiBernardo (5)

Nays: None (0)

CARRIED.

COMMUNICATIONS FROM OTHERS

A.

Richard Andres

May 16, 2024

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

Dear NT Common Council,

Once again, I am requesting your permission to hold the 4th of July Kids Parade. This has become an annual tradition in North Tonawanda and has drawn many families to two of the Jewels of North Tonawanda, Pine Woods Park and the Herschel Carousell Museum. We are requesting we post no parking signs on Thompson Street from Niagara to Vandervoort and have the auxiliary police escort the parade and block traffic at all relevant intersections. We are also looking to have access to Pine Woods Park as a staging area. The parade will begin at 10am on July 4th.

Thank you for your consideration of this matter.

Sincerely,
Richard Andres
Niagara County Legislator

MOVED by Alderman Marranca SECONDED by Alderman Loncar

That the Common Council hereby grants permission to close Thompson Street from Pine Woods Park to the Carousell Museum and access to Pine Woods Park from 9:45am until 11am on July 4th, for the Children's Parade, and directs the Police Auxiliary to assist with said event.

Ayes: Alderman Schmigel, Marranca, Loncar, Lavey, DiBernardo (5)

Nays: None (0)

CARRIED.

B.

iHope Community Church

May 30, 2024

City of North Tonawanda
216 Payne Avenue
North Tonawanda, NY 14120

Traffic Superintendent:

Our team at iHope Community Church is planning an outdoor event on the night of Friday, June 28th to provide refreshments and children's activities open to anyone participating in our children's program during the week. We would like to request temporary closure of the street directly in front of the church building (corner of Thompson St./Bryant St. to the edge of the neighboring property at 324 Thompson Street) from 7:00 PM – 9:00 PM on Friday, June 28th 2024.

A temporary street closure in this area would not only provide more space to operate the event, but it would also ensure the safety of many small children who will be in attendance. The sidewalk and street will be used for set-up of tables and chairs, free food service and carnival-style games.

Respectfully,
Benjamin Reiman
iHope Church Board

MOVED by Alderman Lavey **SECONDED** by Alderman DiBernardo
That the Common Council hereby grants permission for iHope Community Church to close the corner of Thompson St./Bryant St. to the edge of the neighboring property at 324 Thompson Street from 7:00 PM – 9:00 PM on Friday, June 28th, 2024, for their outdoor event and directs the DPW to provide the necessary barricades for said event.

Ayes: Alderman Schmigel, Marranca, Loncar, Lavey, DiBernardo (5)

Nays: None (0)

CARRIED.

AUDIENCE PARTICIPATION

Jack Kanack-84 South Meadow- Would like the City to intervene with a situation he is having with his neighbor, with noise, parties and vehicles that are on the front lawn, that look abandoned. He would like to see something happen.

Nancy Klepp-1295 Erie Avenue- Expressed that she is embarrassed for her city that the Pride flag was raised at City Hall.

Erin Robinson 229 Falconer Street- Very proud to be a resident in our city, for many reasons. Our city is welcoming and open. Many people in our community and outside of the city have commented on their approval of raising the Pride flag at city hall.

Hillary Roe-757 Pioneer- Happy to be a part of the Pride Flag ceremony at City Hall and she is proud to be raising her two children in a city that is welcoming to all people.

Tim Yarger 655 Nash Road- Would like an update on the Speeding situation on Nash Road. Captain Rob Frank was in attendance to present some facts on the situation.

Ronald Piaseczny 140 Rainbow Blvd. Niagara Falls NY-As the President of Niagara Pride he would like to thank the city for joining other cities in the area in raising the Pride Flag and bringing awareness.

Kurt Klepp 1295 Erie Avenue- Stated that he is a Vietnam Veteran and veterans in this country only received one special day to be honored. Why do we need a Pride Flag of celebration for a whole month?

ADJOURNMENT

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

Tim of adjournment: 7:32 P.M.

Respectfully submitted,

Donna L. Braun
City Clerk-Treasurer