

**THE HONORABLE BODY**  
**Council Chambers**  
**Municipal Building**  
**North Tonawanda, New York 14120**  
**Tuesday, June 18, 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**  
**Alderman Schmigel, Loncar, Lavey, Marranta**

**Absent: None**

**Also Present: Mayor Austin J. Tylec**  
**City Attorney Edward A. Zebulske III**

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**AUDIENCE PARTICIPATION - None**

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**APPROVAL OF THE MINUTES OF THE REGULAR SESSION JUNE 4, 2024**

**MOVED by Alderman Marranta                      SECONDED by Alderman Schmigel**  
**That the minutes of the regular session held June 4, 2024 be approved as circulated and**  
**filed in the Office of the City Clerk.**

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

**Nays: None                      (0)**

**CARRIED.**

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**PROOF OF PUBLICATION PUBLISHED 06/01/2024**

- 1) Legal Notice – Public Hearing – To Adopt Local Law #1 2024 – Solar Energy Regulations – City Clerk-Treasurer**

**PROOF OF PUBLICATION PUBLISHED 06/08/2024**

- 1) Legal Notice – Request for Proposals for the City of North Tonawanda Water and Wastewater Treatment Chemicals – Supt. Water/Wastewater**

**MOVED by Alderman Lavey                      SECONDED by Alderman Marranta**  
**That the Common Council hereby receives and files the aforementioned Proof of**  
**Publications.**

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

**Nays: None                      (0)**

**CARRIED.**

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**COMMUNICATIONS FROM CITY OFFICIALS**

**I. Mayor**

**June 13, 2024**

**North Tonawanda Common Council  
216 Payne Avenue (City Hall)  
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. This would increase would also revert to the original pay schedule at the end of the AFSCME contract on December 31, 2025.
2. Provide the DPW Superintendent with an annual \$2,000 stipend to over see 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. This agreement would also end on December 31, 2029.

In discussions with City Accountant Jeff Zellner and Superintendent Mark Zellner, the proposed increase in compensation would cost approximately \$43,269. It is important to note that with a DPW mechanic vacancy for many months 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 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 18<sup>th</sup>, 2024, approved the Memorandum of Agreement for the AFSCME for the DPW Mechanics and it reads as follows:

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. This would increase would also revert to the original pay schedule at the end of the AFSCME contract on December 31, 2025.

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

Nays: None (0)

CARRIED.

MOVED by Alderman Lavey

SECONDED by Alderman DiBernardo

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 18<sup>th</sup>, 2024, approved the Memorandum of Agreement for the OPEIU DPW Superintendent and it reads as follows:

1. 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. This agreement would also end on December 31, 2029.

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

Nays: None (0)

CARRIED.

#### IV. Engineer

June 11, 2024

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

Re: Mayor's Park Kayak Launch and Fishing Pier, Local Waterfront  
Revitalization Consistency Review

Dear Honorable Body,

As you are aware, the City of North Tonawanda is proceeding with the installation of a new floating kayak launch and fishing pier in Mayor's Park. This project takes place within North Tonawanda's Local Waterfront Revitalization Program (LWRP) area. North Tonawanda's LWRP, adopted in 1988, and updated in 2013, provides a variety of policies and guidance for the City regarding waterfront management. The LWRP strives to protect natural resources, advance economic development, and enhance public waterfront opportunities and experience through development, conservation, and recreation. A requirement of the LWRP is public projects within the area be consistent with the principles in the LWRP and that the City of North Tonawanda Common Council determine that these projects are consistent.

The Mayor's Park Kayak Launch and Fishing Pier Project aligns with a number of policy recommendations in the LWRP including providing improved access to local waterfront areas, enhancement and expansion of public parklands/recreation areas along the shoreline, and the stimulation of the local economy and tourism.

With these considerations in mind, I'd like to certify with the attached resolution that the Mayor's Park Kayak Launch and Fishing Pier Project is consistent with the North Tonawanda LWRP.



**City Accountant**

**MOVED by Alderman Marranca      SECONDED by Alderman Loncar**  
**That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated June 18<sup>th</sup>, 2024, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:**

01	General Fund	\$439,293.76
02	Water Fund	\$10,247.01
04	Sewer Fund	\$58,400.35
06	Capital Project Fund	\$374,806.03
07	Trust & Agency Fund	<u>\$5,640.64</u>
00	Final Total	<u>\$888,387.79</u>

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

**VII.2 Accountant**

**June 12, 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>
\$17,738.57	001.3120.0410 Police - Administration	007.0000.0087 Police Discovery
\$1,940.18	001.3120.0410 Police - Administration	007.0000.0087 Police Discovery

**Reason: reimbursement of General fund accounts used to prepay for Grant Funds received in Police Discovery**

**Warm Regards,  
Jeffrey Zellner  
City Accountant**

**MOVED by Alderman DiBernardo      SECONDED by Alderman Lavey**  
**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>
\$17,738.57	001.3120.0410 Police - Administration	007.0000.0087 Police Discovery
\$1,940.18	001.3120.0410 Police - Administration	007.0000.0087 Police Discovery

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

**IX. Supt. Public Works**

June 12, 2024

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

Re: Award of Contract Project 2024-06  
 Oliver, Walck and Old Falls Mill and Overlay

Dear Honorable Body:

On June 11<sup>th</sup>, 2024, four (4) bids were received and opened by the City Clerk for the Oliver, Walck and Old Falls Mill and Overlay Project. The results are as follows:

**Base Bid:**

1. D&H Paving LLC	\$321,500.00
2. Amherst Paving Inc.	\$344,106.00
3. Occhino Corp.	\$379,970.00
4. Milherst Construction, Inc.	\$379,700.00

**Add Alternate 1:**

1. D&H Paving LLC	\$147,650.00
2. Amherst Paving Inc.	\$150,530.00
3. Milherst Construction, Inc.	\$151,100.00
4. Occhino Corp.	\$164,550.00

**Add Alternate 2:**

1. Milherst Construction, Inc.	\$166,050.00
2. D&H Paving LLC	\$166,925.00
3. Amherst Paving Inc.	\$170,225.00
4. Occhino Corp.	\$189,910.00

**Total Bid:**

1. D&H Paving LLC	\$636,075.00
2. Amherst Paving Inc.	\$664,861.00
3. Milherst Construction, Inc.	\$696,850.00
4. Occhino Corp.	\$728,430.00

The Engineering Department and DPW have reviewed the bid results and are recommending award of the Contract. Accordingly, I respectfully request that the Common Council award the Oliver, Walck and Old Falls Mill and Overlay Project to D&H Paving LLC, 485 Kennedy Road, Cheektowaga, NY 14227, at their low total bid amount of \$636,075.00; authorizing the Mayor to sign said contract subject to review by the City Attorney.

Very truly yours,  
 Mark Zellner  
 Supt. Public Works

**MOVED by Alderman DiBernardo      SECONDED by Alderman Loncar**  
 That the Common Council hereby awards the Oliver, Walck and Old Falls Mill and Overlay Project to D&H Paving LLC, 485 Kennedy Road, Cheektowaga, NY 14227, at their low total bid amount of \$636,075.00; and authorizes the Mayor to sign said contact.  
 Ayes: Alderman Schmigel, Marranca, Loncar, Lavey, DiBernardo (5)

Nays: None  
CARRIED.

(0)

**X.1 Police Chief**

June 3, 2024

Mayor Austin Tylec and  
The North Tonawanda Common Council  
216 Payne Avenue  
North Tonawanda, NY 14120

Dear Honorable Body,

I intend on hiring Alexander Wagner to fill the open position caused by Officer Bui's resignation as authorized by Mayor Tylec. Wagner's effective hire date will be June 21, 2024, and he will be sworn in on June 20, 2024, at 9:00am in the common council chambers. Wagner will be a lateral transfer from the Town of Niagara Police Department.

Respectfully,  
Keith Glass  
Chief of Police

**MOVED** by Alderman Marranca      **SECONDED** by Alderman Loncar  
That the Common Council hereby receives and files the appointment of Alexander Wagner as a Police Officer with the North Tonawanda Police Department effective June 21, 2024.  
Ayes: Alderman Schmigel, Marranca, Loncar, Lavey, DiBernardo (5)  
Nays: None (0)  
CARRIED.

**X.2 Police Chief**

June 4, 2024

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

Dear Honorable Body:

Would you please reappoint Sean A. Campas as Commissioner of Deeds for the City of North Tonawanda, effective from July 6, 2024 and ending on July 5, 2026.

Respectfully,  
Keith Glass  
Chief of Police

**MOVED** by Alderman Lavey      **SECONDED** by Alderman Schmigel  
That the Common Council hereby approves the reappointment of Sean A. Campas as a Commissioner of Deeds for the City of North Tonawanda effective July 6, 2024, and expiring July 5, 2026.  
Ayes: Alderman Schmigel, Marranca, Loncar, Lavey, DiBernardo (5)  
Nays: None (0)  
CARRIED.

**XXV. Monthly Reports****.1 Clerk-Treasurer .2 Senior Citizen Center .3 Police Department**

**MOVED by Alderman Marranca      SECONDED by Alderman Loncar**  
**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****June 10, 2024**

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

**Re: Community Development Block Grant Program – Request for Public Hearing****Dear Honorable Body,**

**In consideration of a possible application to the New York State Office of Community Renewal Community Development Block Grant Single Family Housing Rehabilitation Program, per CDBG regulations, the City of North Tonawanda is required to hold a public meeting to discuss CDBG activities and the potential application. The hearing must be held at a meeting with a quorum of the Common Council.**

**I would like to formally request authorization to hold a required public meeting for the Community Development Block Grant Single Family Housing Rehabilitation program to be held on Tuesday July 9<sup>th</sup>, 2024, at 6:00pm in the Common Council chambers immediately preceding the regularly scheduled Common Council workshop meeting.**

**Thank you for your time and consideration.**

**Kindest regards,**  
**Laura Wilson**  
**Dir. Community Development**

**MOVED by Alderman DiBernardo      SECONDED by Alderman Schmigel**  
**That the Common Council hereby grants approval for Community Development to hold a public hearing in the Common Council chambers on July 9<sup>th</sup>, 2024 at 6:00pm, for the Community Development Block Grant Single Family Housing Rehabilitation program.**  
**Ayes: Alderman Schmigel, Marranca, Loncar, Lavey, DiBernardo      (5)**  
**Nays: None      (0)**  
**CARRIED.**

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**COMMUNICATIONS FROM OTHERS**

**A.**  
**Courtney Bell**

**May 31, 2024**

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



**Common Council,**

I request your approval to block off vehicle traffic on Falconer Street between the intersections with Christiana Street and Thompson Street on Thursday, August 15, 2024 between 6:00 pm and 8:00 pm, and that we be provided with two temporary roadblock installations to place at those intersections during that time.

The residents of Falconer Street are planning for a neighborhood block party during that time, and closing the street would provide for the safety of attendees.

I communicated the proposal for a party to all neighbors with homes or driveways facing the affected portion of the street in writing or in person on May 8, with a request to contact me by May 30 to discuss an alternative date and time if they cannot accommodate the closure. I have not received any concerns or opposition from neighbors during that timeframe. Multiple neighbors reacted to the proposal with enthusiasm, leading me to conclude the residents of the street support this request.

If there is any additional information that is needed, please contact me.

**Courtney Bell**

**MOVED by Alderman DiBernardo      SECONDED by Alderman Lavey**  
That the Common Council hereby grants permission for Courtney Bell to close Falconer Street between Christiana and Thompson Street on Thursday, August 15<sup>th</sup> from 6pm to 8pm for their block party 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.**

**B.**  
**Steven Stefanski**

**June 14, 2024**

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

**Re: Leave of Absence Request**

**Honorable Mayor Tylec & Common Council Members,**

Upon your approval on June 18, 2024, I will be moving to the position of Water/Wastewater Mechanic/Trainee. Therefore, I am requesting a leave of absence from my position as Groundskeeper until such time that my probationary period has expired, and I have become a permanent appointment as the Water/Wastewater Mechanic/Trainee.

Thank you for your time and consideration of my request.

**Respectfully,**  
**Steven Stefanski**

**MOVED by Alderman Loncar      SECONDED by Alderman DiBernardo**  
That the Common Council hereby grants approval for Steven Stefanski to take a leave of absence from his position as Groundskeeper to take the position of Water/Wastewater Mechanic/Trainee, until the position becomes permanent.

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

**Nays: None      (0)**

**CARRIED.**

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### AUDIENCE PARTICIPATION

Jack Kanack 84 South Meadow Drive-Would like to know of any updates from the city on his neighbor complaints. It's been 2 weeks and it hasn't gotten any better.

Kurt Klepp 1295 Erie Street-He felt it was totally unacceptable at the last council meeting that he was disrespected and laughed at for voicing his feelings on being a veteran. He, as a veteran, only gets one day to be honored and the Pride Community gets a whole month. This is not the kind of conduct he would expect from attending a Council meeting.

Joeseph Midura 115 10<sup>th</sup> Avenue- Questioned the Mayor and the Council on the two mailers he received from Home Serve and Solor Simplified. He said "Everyone should really read the whole letter-as residents you are not going to save 10% on your Electric Bill as promised. "

Richard Madej 499 Witmer Road- Questioned the Zoning Changes discussed at the last Workshop by the Council. He would like to see the shipping containers that he sees around the city included in the changes.

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### ADJOURNMENT

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

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Tim of adjournment: 7:11 P.M.

Respectfully submitted,



Donna L. Braun  
City Clerk-Treasurer