

**THE HONORABLE BODY**  
**Council Chambers**  
**Municipal Building**  
**North Tonawanda, New York 14120**  
**Tuesday, August 20, 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 Loncar, Lavey, Marranta**

**Absent: Alderman Schmigel**

**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 AUGUST 6, 2024**

**MOVED by Alderman Marranta**                      **SECONDED by Alderman Lavey**  
**That the minutes of the regular session held August 6, 2024 be approved as circulated and**  
**filed in the Office of the City Clerk.**

**Ayes: Alderman Marranta, Loncar, Lavey, DiBernardo**                      **(4)**

**Nays: None**                      **(0)**

**CARRIED.**

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**PROOF OF PUBLICATION PUBLISHED 08/10/2024**

**1) Legal Notice – Request for Proposals for the City of North Tonawanda Water Meter**  
**and AMR System Installation – Supt. Water/Wastewater**

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

**Ayes: Alderman Marranta, Loncar, Lavey, DiBernardo**                      **(4)**

**Nays: None**                      **(0)**

**CARRIED.**

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**COMMUNICATIONS FROM CITY OFFICIALS**

**I.1 Mayor**

August 12, 2024

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

**Re: Appointment to the North Tonawanda Waterfront Commission**

**Dear Honorable Body:**

Please be advised that I am appointing James Hutton, 730 Niagara Parkway, North Tonawanda, NY 14120 effective immediately to the Waterfront Commission. James will be fulfilling the remainder of Tim Martin's term as Tim sadly passed away earlier this year. The term expires December 31, 2025.

Thank you for your attention to this matter.

Respectfully,  
 Austin Tylec  
 Mayor

**MOVED** by Alderman Marrantca      **SECONDED** by Alderman Loncar  
 That the Common Council hereby receives and files the appointment of James Hutton, 730 Niagara Parkway, North Tonawanda, to the Waterfront Commission effective August 20, 2024 and expiring December 31, 2025.

Ayes: Alderman Marrantca, Loncar, Lavey, DiBernardo (4)

Nays: None (0)

**CARRIED.**

**I.2 Mayor**

August 13, 2024

Honorable Common Council  
 216 Payne Avenue  
 North Tonawanda, NY 14120

**Re: Pro-Housing Communities Pledge**

**Dear Common Council,**

The City of North Tonawanda is actively pursuing opportunities under New York State's Pro-Housing Communities Program. We are currently applying for a \$607,212 Capital Improvement Grant through Empire State Development. This grant is crucial for funding the replacement of water and sanitary lines on Oliver Street, a project that complements the \$1.5 million Downtown Revitalization Initiative (DRI) grant for Oliver Streetscape Improvements.

To qualify for this grant, and to be eligible for future property improvement funding, New York State requires that communities take the Pro-Housing pledge and approve the attached Pro-Housing Resolution unaltered. This resolution is a key step in our ongoing efforts to enhance neighborhoods, expand residential development, and provide residents with the tools they need to improve their properties it also supports our broader goal of addressing aging infrastructure and combating blight.

Please also note, NYS does not require a municipality to address all the items listed in the attached pledge to be unaltered.

I kindly request that you review and approve the attached resolution so we can continue advancing our efforts and secure vital funding for our community.

Thank you for your attention and consideration.

Respectfully,  
Austin Tylec  
Mayor

**MOVED** by Alderman DiBernardo      **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 August 20<sup>th</sup>, 2024, approved the resolution for the Pro-Housing Communities Pledge and it reads as follows:

**THE CITY OF NORTH TONAWANDA MAYOR AND COMMON COUNCIL HEREBY  
REQUEST THE PRO-HOUSING COMMUNITIES PLEDGE**

**WHEREAS**, the City of North Tonawanda (hereinafter "local Government") believes that the lack of housing for New York residents of all ages and income levels negatively impacts the future of New York State's economic growth and community well-being;

**WHEREAS**, the housing crisis has negative effects at regional and local levels, we believe that every community must do their part to contribute to housing growth and benefit from the positive impacts of healthy housing market brings to communities;

**WHEREAS**, we believe that supporting housing production of all kinds in our community will bring multiple benefits, including increasing housing access and choices for current and future residents, providing integrated accessible housing options that meet the needs of people with sensory and mobility disabilities, bringing economic opportunities and vitality to our communities, and allowing workers at all levels to improve their quality of life through living closer to their employment opportunities;

**WHEREAS**, we believe that evidence showing that infill development that reduces sprawl and supports walkable communities has significant environmental and public health benefits; and

**WHEREAS**, we believe that affirmatively furthering fair housing and reducing segregation is not only required by law, but is essential for keeping our community strong and vibrant;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that City of North Tonawanda, in order to take positive steps to alleviate the housing crises, adopts the Pro-Housing Communities pledge, which will have us endeavor to take the following important steps.

**Ayes: Alderman Marranca, Loncar, Lavey, DiBernardo** (4)  
**Nays: None** (0)  
**CARRIED.**

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**IV. Engineer**

**August 15, 2024**

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

**Re: Live Hose Emergency Wall Repair**

Last week there was an accident at the Live Hose Fire Station where the building was hit by a fire engine. The wall that was struck, is a load bearing wall that needs to be repaired. We are currently under contract with Glynn Group Engineering & Architecture, PLLC and Walter S. Johnson Building Co. Inc. to do floor repair work at this station, and they

were able to come out to the site to evaluate the damage and each get us a proposal for the engineering work and structural work to do this emergency repair to the building. Attached are both proposals. Additional we are seeking 15% contingency for any additional unforeseen circumstances we may encounter as we do this emergency repair. We are looking to authorize \$75,000 to complete this emergency repair.

I therefore recommend that the Common Council authorize the Mayor to sign the enclosed agreements for the emergency engineering services with Glynn Group Engineering & Architecture, PLLC, 415 South Transit Street, Lockport, NY 14091; in an amount of \$6,100; and for the emergency repair services with Walter S. Johnson Building Co. Inc., 6638 Mooradian Drive, PO Box 688, Niagara Falls, New York 14302; in the amount of \$55,886; subject to review by the City Attorney.

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

**MOVED by Alderman DiBernardo                      SECONDED by Alderman Marranca**  
That the Common Council hereby approves the emergency engineering service with Glynn Group Engineering & Architecture, PLLC, 415 South Transit Street, Lockport, NY 14091; in the amount of \$6,100; and the emergency repair service with Walter S. Johnson Building Co. Inc., 6638 Mooradian Drive, PO Box 688, Niagara Falls, New York 14302; in the amount of \$55,886, for the Live Hose #4 wall repair.

Ayes: Alderman Marranca, Loncar, Lavey, DiBernardo (4)  
Nays: None (0)  
CARRIED.

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**VII.1 Accountant**

July 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 August 20<sup>th</sup>, 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 Marranca**  
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated August 20<sup>th</sup>, 2024, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$205,430.00
02	Water Fund	\$27,038.77
04	Sewer Fund	\$75,847.42
06	Capital Project Fund	\$3,350,154.80
07	Trust & Agency Fund	\$6,168.05
00	Final Total	<u>\$3,664,639.04</u>

Ayes: Alderman Marranca, Loncar, Lavey, DiBernardo (4)  
 Nays: None (0)  
 CARRIED.

**VII.2 Accountant**

August 8, 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>
\$14,000	001.7110.0420 Parks-Repairs and Maintenance	001.7110.0480 Parks-Operations

Reason: Need to reallocate money from operations to R&M to cover the cost of a number of vehicle and equipment repairs.

Warm Regards,  
 Jeffrey Zellner  
 City Accountant

**MOVED** by Alderman Lavey                      **SECONDED** by Alderman Loncar  
 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>
\$14,000	001.7110.0420 Parks-Repairs and Maintenance	001.7110.0480 Parks-Operations

Ayes: Alderman Marranca, Loncar, Lavey, DiBernardo (4)  
 Nays: None (0)  
 CARRIED.

**VII.3 Accountant**

August 8, 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>
\$40,000	002.8330.0480 Water Purification-Operations	002.8330.0100 Water Purification-Personal Services

**Reason: Replace antiquated SCADA system that has failed. New system integrated with WTP CIP. Fuel for generator and Chlorine equipment.**

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>
\$40,000	002.8330.0480 Water Purification-Operations	002.8330.0100 Water Purification-Personal Services

**Ayes: Alderman Marranca, Loncar, Lavey, DiBernardo      (4)**  
**Nays: None      (0)**  
**CARRIED.**

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#### VII.4 Accountant

August 15, 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>
\$40,000	001.3410.0440 Fire-buildings and Grounds	001.1990.0400 Contingent Account-Wage Provisions
\$35,000	001.3410.0440 Fire-Buildings and Grounds	001.3410.0480 Fire-Operations

**Reason: Emergency repairs on Structure of Live Hose #4**

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>
\$40,000	001.3410.0440 Fire-buildings and Grounds	001.1990.0400 Contingent Account-Wage Provisions

08-20-2024

\$35,000

001.3410.0440  
Fire-Buildings and Grounds001.3410.0480  
Fire-Operations

**Ayes: Alderman Marranca, Loncar, Lavey, DiBernardo (4)**  
**Nays: None (0)**  
**CARRIED.**

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**X. Police Chief**

August 13, 2024

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

**Dear Honorable Body,**

I hired Noah Fox to fill the vacancy in our department caused by retirements. Fox's effective hire date will be August 30, 2024, and he will be sworn in on August 29, 2024, at 9:00am in the common council chambers. Fox will attend the Niagara County Law Enforcement Academy beginning on September 3, 2024.

**Respectfully,  
 Keith Glass  
 Chief of Police**

**MOVED by Alderman Loncar                      SECONDED by Alderman DiBernardo**  
**That the Common Council hereby approves of the appointment of Noah Fox as a Police Officer for the North Tonawanda Police Department, effective August 30, 2024.**

**Ayes: Alderman Marranca, Loncar, Lavey, DiBernardo (4)**  
**Nays: None (0)**  
**CARRIED.**

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**XI. Fire Chief**

August 13, 2024

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

**Re: Appointment of Firefighters****Dear Honorable Body:**

In accordance with the city Charter of the City of North Tonawanda, and pursuant to the authority vested in me by §3.002.e thereof I make the following appointments:

Christopher P. Manth, 417 Stanley Street, North Tonawanda, and Aden M. Spina, 655 Payne Avenue, North Tonawanda, are appointed as Firefighters in the City of North Tonawanda Fire Department. They are filling two funded positions due to retirements.

Both firefighters will be given an Oath of Office during a brief ceremony in the Common Council Chambers on September 9<sup>th</sup>, 2024.

**Very sincerely yours,**

08-20-2024

Joseph D. Sikora  
Fire Chief

**MOVED** by Alderman Lavey                      **SECONDED** by Alderman DiBernardo  
That the Common Council hereby approves of the appointments of Christopher Manth and Aden Spina as Firefighters for the North Tonawanda Fire Department, effective September 9, 2024.

Ayes: Alderman Marranca, Loncar, Lavey, DiBernardo (4)

Nays: None (0)

**CARRIED.**

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## XXV. Monthly Reports

.1 Senior Citizen Center      .2 Clerk-Treasurer

**MOVED** by Alderman Marranca                      **SECONDED** by Alderman Lavey  
That the Common Council hereby receives and files the aforementioned Monthly Report.

Ayes: Alderman Marranca, Loncar, Lavey, DiBernardo (4)

Nays: None (0)

**CARRIED.**

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## XXXII. Community Development

August 13, 2024

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

**Re: Community Development Block Grant Program (CDBG)-  
Request for Public Hearing**

Dear Honorable Body,

As per Community Development Block Grant (CDBG) regulations, the City of North Tonawanda is required to hold a second public hearing to discuss CDBG activities for JFLR/110 Sweeney Street. 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 hearing for the Community Development block Grant program to be held on Tuesday September 10<sup>th</sup>, 2024 at 6:00 PM in the Common Council Chambers immediately preceding the regularly scheduled Common Council workshop.

Thank you for your consideration.

Sincerely,  
Laura K. Wilson  
Dir. Community Development

**MOVED** by Alderman DiBernardo                      **SECONDED** by Alderman Loncar  
That the Common Council hereby grants approval for Community Development to hold a public hearing for the Community Development Block Grant Program activities for the JFLR/110 Sweeney Street, Tuesday September 10, 2024 at 6:00 PM in the Common Council Chambers.

Ayes: Alderman Marranca, Loncar, Lavey, DiBernardo (4)

Nays: None (0)

**CARRIED.**

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## **COMMUNICATIONS FROM OTHERS**

A.  
Deborah Lawrence

August 1, 2024

Honorable Mayor and Common Council  
216 Payne Avenue  
North Tonawanda, NY 14120

Dear North Tonawanda City Clerk,

I am requesting to become a Commissioner of Deeds in the town of North Tonawanda for the purpose of my job. I work for Kaleida Health at the DeGraff Rehabilitation and Skilled Nursing Facility and will need to be able to stamp authorizations for Medicaid signed by residents who are admitted to our facility.

Thank you,  
Dominique Morin

MOVED by Alderman Marrantca   SECONDED by Alderman Lavey  
That the Common Council hereby approves Deborah Lawrence, 303 N. Pleasant, Pkwy, Buffalo, NY 14206 to be a Commissioner of Deeds for the City of North Tonawanda effective August 21, 2024, and expiring August 20, 2026.

Ayes: Alderman Marrantca, Loncar, Lavey, DiBernardo

(4)

Nays: None

(0)

CARRIED.

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### **AUDIENCE PARTICIPATION**

**Mark Swogier 158 Keil Street**-Suggesting to the Mayor and Council to address the safety of crossing Payne Avenue and Kiel Street on Saturdays going to the market. Maybe a crosswalk similar to the one on Robinson Street.

**Susan O'Connor-1064 Remmington Drive**-Would like any progress on Digihost noise levels.

**Nancy Militello-691 Fairmont Avenue**-Wanted to know details on the Wall being built on Meadow Extension by Digihost. Very upset about the amount of noise coming from the business this past weekend.

**Kevin O'Connor-1064 Remmington Drive**- Would like to see a copy of the SEQR for Digihost that was presented to the Planning Board in 2021.

**Gary Franklin 673 Fairmont Avenue**- inquiring about the new driveway on the Meadow Extension for Digihost. Why is it being put there? Are they going to take down any trees to build the extension of the wall? If they are he feels it would be more of a problem if they were removed. Asked about the permit given by the city to do a curb cut to put the new driveway entrance in.

**Jack Kanack 84 South Meadow Drive-** Asked how much money has the city spent on resources addressing the issues that are going on at 74 South Meadow Drive? Could the city recoup any of that money from the homeowner?

**James Hutton- 730 Niagara Pkwy-**Suggestion that was made tonight on a crosswalk at Payne and Kiel is not the best idea. There is already a light at Payne and Robinson where traffic slows down and traffic has to slow down at the railroad tracks also.

**Joe Midura 115 10<sup>th</sup> Avenue-** Would like to see the Flag Committee to re-open the submissions to the students of North Tonawanda to give them an opportunity to submit one. Asked about the possible funding for the new Pool.

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**ADJOURNMENT**

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

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**Tim of adjournment: 7:17 P.M.**

**Respectfully submitted,**



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