

Given these concerns, I am vetoing the Council's amended Towing Agreement which would retain both towing companies as originally submitted by the Police Chief. In addition, I respectfully request that the City Attorney issue a formal legal opinion regarding whether the procedures followed in amending the contract comply with New York State procurement laws and whether the exclusion of a qualified towing company could result in legal action against the City.

Thank you for your attention to this matter.

Respectfully,
Austin Tylec
Mayor

MOVED by Alderman Schmigel **SECONDED** by Alderman Loncar
That the Common Council hereby overrides the Mayor's Veto of the Amended Towing Agreement Passed September 3rd, 2024
Ayes: Alderman Schmigel, Marranca, Loncar, DiBernardo (4)
Abstained: Alderman Lavey (1)
CARRIED.

I.2 Mayor

August 13, 2024

Honorable Common Council
216 Payne Avenue
North Tonawanda, NY 14120

Re: Agreement between North Tonawanda and City School District

Dear Common Council,

Attached hereto is the agreement between the City of North Tonawanda and the City School District for shared services. The amended agreement (Appendix A) details the City's use of the School District's pool facility to provide swim lessons and more for our residents.

Should you have any questions, please do not hesitate to contact my office.

Respectfully,
Austin Tylec
Mayor

MOVED by Alderman DiBernardo **SECONDED** by Alderman Marranca
That the Common Council hereby approves the attached shared services agreement between the City of North Tonawanda and the North Tonawanda School District.
Ayes: Alderman Schmigel, Marranca, Loncar, Lavey, DiBernardo (5)
Nays: None (0)
CARRIED.

VII.1 Accountant

September 12, 2024

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

Dear Honorable Body:

09-17-2024

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 September 17th, 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 Schmigel **SECONDED** by Alderman Lavey
 That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated September 17th, 2024, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$329,910.96
02	Water Fund	\$10,763.89
04	Sewer Fund	\$49,574.34
06	Capital Project Fund	\$728,917.78
07	Trust & Agency Fund	<u>\$10,918.12</u>
00	Final Total	<u>\$1,130,085.09</u>

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

VII.2 Accountant

September 12, 2024

A LOCAL LAW TO ALLOW THE CITY OF NORTH TONWANDA, NEW YORK TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C

WHEREAS, on September 10th, 2024, a public hearing was held at 6:15pm in the council chambers, 216 Payne Avenue, North Tonawanda, New York.

WHEREAS, General Municipal Law section 3-c requires Common Council to obtain sixty percent approval to adopt Local law #3 of 2024.

WHEREAS, that a Local Law to override the Tax Levy Limit for the City of North Tonawanda to be voted on, as follows:

MOVED by Alderman DiBernardo **SECONDED** by Alderman Schmigel
 That the Common Council at a regular meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 p.m. on September 17th, 2024 tables the Resolution for Local Law No.3 of 2024 -A Local Law of the City of North Tonawanda, New York to Override the Tax Levy Limit Established in General Municipal Law Section 3-C, until the Council receives the Budget submitted by the Mayor.

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

IX. Supt. Public Works

September 12, 2024

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

Re: Project 2024-06: Oliver, Walck and Old Falls Mill and Overlay
 Approval of Change Order No.1 and Final Project Acceptance

Dear Honorable Body:

Approval of Change Order No.1, balancing the project and addressing extra work, and final acceptance of the Oliver, Walck, and Old Falls Mill and Overlay Project is hereby requested. The Change order is a deduct change order. Attached is the change order showing the additions and deductions at the end of the project.

Accordingly, I respectfully request that the Common Council approve the deduct Change Order No.1 for the Oliver, Walck and Old Falls Mill and Overlay Project in the amount of \$77,838.52 with D&H Paving LLC, 485 Kennedy Road, Buffalo, NY 14227: decreasing the contract amount from \$636,075.00; to the final contract amount of \$558,236.48; authorizing the Mayor to sign and change order. Further, that the Common Council accept this project as complete and approve the final payment 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 approves the deduct Change Order No.1 for the Oliver, Walck and Old Falls Mill and Overlay Project in the amount of \$77,838.52 with D&H Paving LLC, 485 Kennedy Road, Buffalo, NY 14227: decreasing the contract amount from \$636,075.00; to the final contract amount of \$558,236.48; and authorizes the mayor to sign said change order. The Common Council also accepts this project as complete and approves the final payment.

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

XXV. Monthly Reports

.1 Senior Citizen Center .2 Clerk-Treasurer

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

COMMUNICATIONS FROM OTHERS

A.

Columbia Hook & Ladder

September 9, 2024

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

Re: Removal from Volunteer Fire Roll

Dear Mayor and Council:

The members of Columbia Hook & Ladder Co. No.1 sadly request the removal from the Volunteer Fire Roll:

Joseph M. Black

He died August 11, 2024. Brother Firefighter Joseph Black joined Columbia Hook & Ladder October 1, 1980, and faithfully served the fire company 43 years, 10 months, 11 days.

Respectfully,
 David L. Evans
 Recording Secretary

MOVED by Alderman Lavey **SECONDED by Alderman DiBernardo**
 That the Common Council hereby approves the removal of Joseph M. Black from the
 North Tonawanda Volunteer Fire Roll.

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

(5)

Nays: None

(0)

CARRIED.

AUDIENCE PARTICIPATION

Kevin O'Connor 1064 Remington- Asked the Council if they are aware of the health concerns across the country that are contributed by Bitcoin plants.

Jack Kanack 84 South Meadow-Interested in the Budget Process, can we speed the process up for next year's budget? Have it out earlier than October 1st.

ADJOURNMENT

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

Time of adjournment: 6:55 P.M.

Respectfully submitted,

Donna L. Braun
 City Clerk-Treasurer

09-17-2024