

**THE HONORABLE BODY  
Council Chambers  
Municipal Building  
North Tonawanda, New York 14120  
Wednesday, November 6, 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, Lavey, Marranta**

**Absent: Alderman Loncar**

**Also Present: Mayor Austin J. Tylec  
Assistant City Attorney Mario Gregori**

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**AUDIENCE PARTICIPATION –**

**Brad Smith-owner of Smith Boys Marina- Would like to see the city move forward with the development project at 78 Bridge Street. He is excited to see new development coming to the island. He owns acreage on the island, and this could be a great gateway for further development.**

**Sam Savarino from Savarino Development- Was here in conjunction to 78 Bridge Street Development. He was one of the developers that submitted plans to the committee. He thanks the city for the process, however, would like to possibly discuss the concerns about the infrastructure on the island. If chosen they would be ready to move forward with the project.**

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**APPROVAL OF THE MINUTES OF THE REGULAR SESSION OCTOBER 15, 2024**

**MOVED by Alderman DiBernardo SECONDED by Alderman Marranta  
That the minutes of the regular session held October 15, 2024 be approved as circulated and filed in the Office of the City Clerk.**

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

**Nays: None (0)**

**CARRIED.**

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## **COMMUNICATIONS FROM CITY OFFICIALS**

### **#1. Karl Heilemann**

**October 16, 2024**

**Mayor Austin Tylec  
216 Payne Avenue  
North Tonawanda, NY 14120**

I have proudly and gratefully served our City on the NT Planning Commission since January 2011. Over the past 14 years I have dedicated time and effort to try to make the best decisions for our great City. I have worked on educating myself about City Planning and made a conscious effort to be a voice of reason.

For personal reasons, it is time for me to move on. I will stay on the Planning Commission until the end of my current term, which is December 2024. I want to give you a heads up so you would have time to make arrangements for a replacement.

Sincerely,  
Karl Heilemann

**MOVED** by Alderman Lavey                      **SECONDED** by Alderman Schmigel  
That the Common Council hereby receives and files the letter of resignation from Karl Heilemann from the North Tonawanda Planning Commission.  
Ayes: Alderman Schmigel, Marranca, Lavey, DiBernardo (4)  
Nays: None (0)  
**CARRIED.**

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**IV.1 Engineer**

October 15, 2024

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

**Re: City Hall Elevator Modernization – Engineering Services  
Project 2024-11**

Dear Honorable Body:

This project involves the modernization and improvements of the City Hall Elevator. To complete this work, the city intends to procure the services of a professional engineering firm.

We are recommending the city select the proposal submitted by C&S Companies, see attached. C&S is a local firm with experience in the design of similar projects.

I am hereby requesting this honorable body consider selecting C&S Companies to complete the design of the City Hall Elevator Modernization Project and authorize the Mayor to sign a contract with C&S, pending review and approval by the City Attorney, for the proposed fee of \$18,500.

Please let me know if you have any further questions or concerns. Thank you for your consideration.

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

**MOVED** by Alderman DiBernardo                      **SECONDED** by Alderman Lavey  
That the Common Council hereby approves the attached design from C&S Companies to complete the design of the City Hall Elevator Modernization Project and authorizes the Mayor to sign said contract with C&S for the proposed fee of \$18,500.  
Ayes: Alderman Schmigel, Marranca, Lavey, DiBernardo (4)  
Nays: None (0)  
**CARRIED.**

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**IV.2 Engineer**

October 30, 2024

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

Re: Project 2022-02: Keller Building Emergency Floor Repair  
Final Project Acceptance

Dear Honorable Body:

Final acceptance of the Keller Building Emergency Floor Repair Project is hereby requested.

Accordingly, I respectfully request that the Common Council accept this project as complete and approve the final payment of retainage 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 accepts the Keller Building Emergency Floor Repair Project as complete and approves the final payment of retainage.

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

Nays: None (0)

CARRIED.

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VII.1 Accountant

October 9, 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 November 6<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 Schmigel

SECONDED by Alderman DiBernardo

That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated November 6<sup>th</sup>, 2024, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$759,838.53
02	Water Fund	\$43,415.68
04	Sewer Fund	\$91,381.72
06	Capital Project Fund	\$307,662.44
07	Trust & Agency Fund	\$19,511.62
00	Final Total	<u>\$1,221,809.99</u>

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

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**VII.2 Accountant**

October 29, 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 10<sup>th</sup>, 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 Lavey**  
**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 November 6, 2024, approves 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, and reads as follows:**

**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**

Be it enacted by the City Council of the City of North Tonawanda in the county of Niagara, as follows:

**Section 1. Legislative intent**

It is the intent of the Local Law to override the limit on the amount of real property taxes that may be levied by the City of North Tonawanda, County of Niagara, State of New York pursuant to General Municipal Law 3-c, and to allow City of North Tonawanda to adopt a budget for (a) City purposes and (b) any other special or improvement district governed by the Common Council for the Fiscal Year 2025 that requires a real property tax levy in excess of the "tax levy limit" as defined by the General Municipal Law 3-c.

**Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of General Municipal Law 3-c, which expressly authorizes the Common Council to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Common Council.

**Section 3. Tax Levy Limit Override**

The Common Council of the City of North Tonawanda is hereby authorized to adopt a budget for the fiscal year 2025 that requires a real property tax levy in excess of the limit specified in General Municipal Law 3-c.

#### **Section 4. Severability**

If any clause, sentence, paragraph, subdivision or part of the Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of the Local Law or in its application to the person, individual, firm, or corporation or circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

#### **Section 5. Effective date.**

This local law shall take effect immediately upon filing with the Secretary of State.

PLEASE TAKE NOTICE THE EXTENT THAT THIS LOCAL LAW MAY CONFLICT WITH APPLICABLE PORTIONS OF THE GENERAL CITY LAW OF THE STATE OF NEW YORK, IT IS STATED INTENTION OF THE CITY TO EXERCISE ITS AUTHORITY TO SPERSEDE AND AMEND, AS GRANTED UNDER THE MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK, SECTION 10. THE CITY HEREBY PROVIDES NOTICE THAT IT IS EXERCISING ITS AUTHORITY TO SUPERSEDE AND AMEND PURSANT TO MUNICIPAL HOME RULE LAW OF THE STATE OF NEW YORK SECTION 22. 5

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

#### **VII.3 Accountant**

**October 30, 2024**

**Honorable Austin J. Tylec, Mayor  
 And Common Council Members  
 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>
\$80,000	004.8130.0480 Sewage Treatment - Operations	004.8130.0460 Sewage Treatment – R&M
\$60,000	004.8130.0480 Sewage Treatment – Operations	004.8130.0440 Sewage Treatment – Buildings and grounds

**Reason: Use National Grid rebates to pay for Energy efficiency projects**

**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>
\$80,000	004.8130.0480 Sewage Treatment - Operations	004.8130.0460 Sewage Treatment – R&M



North Tonawanda, NY 14120

**Traffic Safety Minutes:**

The October 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, R. Frank, M. Lemke, N. Ferguson, A. DiBernardo, N. Phelps and R. Brennan. The minutes from the previous meeting were read and accepted, the following new concerns/requests were discussed, and recommendations made.

1. Marc Galus from 384 Falconer Street requested no parking here to corner signs on Falconer. The locations requested are on both sides of Falconer approaching Robinson Street. The concern is that during market hours people park on both sides of Falconer joining to Robinson making it impossible to see traffic approaching Robinson or Falconer. Vehicles are also blocking the fire hydrant in front of 384 Falconer which is a major safety issue. Police are aware of the situation and will monitor. The committee agreed with Marc's request.
2. Als billiards on the corner of Oliver and Schenck stated that we took away a parking spot after Oliver was paved. The Traffic Dept. legally had to remove one parking spot due to it being within 15ft of the fire hydrant on the corner of Oliver and Schenck. With the space given it was impossible to create another spot. All parking spots on Oliver are now all legal.
3. Member Rob Frank and his officers will continue to monitor speeding on Wurlitzer Drive.

The next Traffic Safety Meeting will be held on November 18<sup>th</sup>, 2024.

Travel safely,  
Matthew R. Meisenburg

**MOVED** by Alderman DiBernardo      **SECONDED** by Alderman Lavey  
That the Common Council hereby approves of Traffic Safety recommendation #1 and receives and files the Traffic Safety minutes from their October Meeting.  
Ayes: Alderman Schmigel, Marranca, Lavey, DiBernardo      (4)  
Nays: None      (0)  
**CARRIED.**

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**XXV. Monthly Reports**

**.1 Police Department**

**MOVED** by Alderman Lavey      **SECONDED** by Alderman Marranca  
That the Common Council hereby receives and files the aforementioned Monthly Report.  
Ayes: Alderman Schmigel, Marranca, Lavey, DiBernardo      (4)  
Nays: None      (0)  
**CARRIED.**

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**XXXII.1 Community Development**

October 23, 2024

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

Re: Restore NY Communities Initiative – Round 9

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 \$1 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 LLC/Alpine Construction would make a strong application. The funding would be used to assist with demolition of existing structures on the site and associated site work to transform the site into a four-story market-rate apartment building with 48 apartments and a four story/one story building with 39 market-rate apartments, 9,400 SF of first floor commercial space, clubhouse/resident amenity space, 166 parking spots, landscaping, lighting and utility connections.

The Department of Community Development will be publishing a required property assessment list for public review and is requesting authorization to conduct a public hearing on Tuesday, November 12<sup>th</sup> at 6:15 PM in the City Council Chambers to gain public feedback and input regarding the grant application, which is due on December 20<sup>th</sup>, 2024.

Sincerely,  
 Laura Wilson  
 Dir. Community Development

MOVED by Alderman DiBernardo      SECONDED by Alderman Lavey  
 That the Common Council hereby grants approval for Community Development to hold a public hearing in the Common Council Chambers, Tuesday, November 12<sup>th</sup> at 6:15 PM, for the Restore NY Communities Initiative – Round 9 for 235 River Road project.

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

Nays: None (0)

CARRIED.

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## XXXII.2 Community Development

October 31, 2024

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

Re: 78 Bridge Street – Preferred Developer selection

Dear Honorable Body:

As you are aware, the City issued a Request for Development Proposals (RFP) for 78 Bridge Street, the city-owned former fire training site on Tonawanda Island, on May 1<sup>st</sup>, 2024. The city received 3 proposals by the July 1<sup>st</sup>, 2024 deadline. A review committee representing the Community Development Office, Engineering Office, Mayor’s Office, Common Council, Lumber City Development Corporation, and Niagara County Brownfields Program was formed to review the proposals and conduct interviews with each developer.





**Time of adjournment: 6:55 P.M.**

**Respectfully submitted,**

A handwritten signature in blue ink that reads "Donna L. Braun". The signature is written in a cursive style with a large initial 'D'.

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