#### THE HONORABLE BODY

Council Chambers Municipal Building North Tonawanda, New York 14120 Tuesday, February 18, 2025 6:30 P.M.

# REGULAR SESSION CALLED TO ORDER BY PRESIDENT LAVEY

#### PLEDGE OF ALLEGIANCE

#### **ROLL CALL**

**Present:** President Lavey

Alderman Schmigel, DiBernardo, Marranca, Loncar

**Absent:** None

Also Present: Mayor Austin J. Tylec

City Attorney Edward Zebulske III

# **AUDIENCE PARTICIPATION** – None

# APPROVAL OF THE MINUTES OF THE REORG MEETING 1/7/2025 AND REGULAR SESSION MEETINGS 1/7/2025 & 1/21/2025

MOVED by Alderman DiBernardo SECONDED by Alderman Schmigel That the minutes of the reorg meeting held January 7, 2025 and the regular meeting held January 7, 2025 and January 21, 2025 be approved as circulated and filed in the Office of the City Clerk.

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

Nays: None (0)

CARRIED.

# APPROVAL OF THE MINUTES OF THE REGULAR SESSION FEBRUARY 2, 2025

MOVED by Alderman DiBernardo SECONDED by Alderman Schmigel That the minutes of the regular session held February 2, 2025 be approved as circulated and filed in the Office of the City Clerk.

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

Nays: None

CARRIED.

# PROOF OF PUBLICATION PUBLISHED 2/1/2025

1.) Legal Notice- Public Hearing – Proposed Local Law No. 2 of the year 2025 Entitled Establishing Energy Restrictions and a Nuclear Free Zone in the City of North Tonawanda – Mayor & Common Council

### PROOF OF PUBLICATION PUBLISHED 2/11/2025

1.) Legal Notice – Request for Proposals for the Water Treatment Plant Electrical Service Upgrade – Supt. Water/Wastewater

MOVED by Alderman DiBernardo SECONDED by Alderman Marranca That the Common Council hereby receives and files the aforementioned Proof of Publications.

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

Nays: None

CARRIED.

# **COMMUNICATIONS FROM CITY OFFICIALS**

IV. Engineer

February 12, 2025

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

Re: 2024 Draft Annual Stormwater Report

**Honorable Body:** 

The City of North Tonawanda, in partnership with Western New York Stormwater Coalition, would like to invite the public to review and comment on its draft 2024 Annual Stormwater Report in an effort to increase public awareness and encourage involvement with stormwater pollution prevention.

The Western New York Stormwater Coalition is a group consisting of representatives from Erie County, Niagara County, thirty-nine regulated municipalities and environmental consultants. The members meet on a bi-monthly basis to collaborate on shared projects that support their stormwater management programs.

The draft annual report highlights the best management practices that the City of North Tonawanda has implemented in its efforts to prevent pollutants from entering municipal storm sewer systems and local waterways. The draft annual report is available for review and comment at the City Engineer's Office, Room 9 on the second floor, City Hall, 216 Payne Avenue. A copy of the report is also available online at <a href="https://www.northtonawanda.org">www.northtonawanda.org</a> under the Stormwater Management Program heading. For more information, contact Chelsea L. Spahr, P.E. at (716) 695-8565.

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

MOVED by Alderman DiBernardo SECONDED by Alderman Lavey That the Common Council hereby receives and files the 2024 Annual Stormwater Report.

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

Nays: None CARRIED.

02-18-2025

#### VII. Accountant

#### February 10, 2025

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 February 18<sup>th</sup>, 2025, 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 DiBernardo SECONDED by Alderman Schmigel That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated February 18<sup>th</sup>, 2025, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$634,554.94
02	Water Fund	\$123,458.37
04	Sewer Fund	\$156,625.72
06	Capital Project Fund	\$188,925.96
07	Trust & Agency Fund	\$ <u>16,678.04</u>
00	Final Total	\$ <u>1,120,243.03</u>

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

XIV. Dir. Youth, Recreation, Parks & Seniors

February 10, 2025

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

Dear Mayor Tylec and Common Council,

Our department is respectfully asking for approval to enter into an advertising and marketing program with Cumulus Radio Station Group (97 Rock, 104.1 WHTT, Sports Radio 1270 The Fan, 103.3 The Edge) for the purpose of advertising and increasing the exposure of Deerwood Golf course to the public. Details of the agreement can be seen below:

Per the agreement, Deerwood Golf course listed on their Cumulus Club House Card which gives purchasers one complimentary round of golf with cart. Deerwood would commit to honor and redeem 250 cards in exchange for:

1. <u>Bank of commercials</u>: Each course will receive a bank of: 30 commercials to use on any Cumulus Buffalo radio station at their discretion May 2025-December 2025.

Your commercial bank is valued at 50% the value of your round of golf with cart x 250 rounds. (example: if your round of golf with cart is \$46, then \$46 x 250 cards = \$11,500/2 = \$5,750 commercial schedule +\$1,000 early signing bonus).

- 2. <u>Promotional Mentions</u> through a series of (:30) promotional commercials on all four Cumulus Buffalo Radio Stations and promotional information on each radio station's website, golf lovers will be encouraged to purchase the Western New York Golf Card.
- 3. Website Traffic: Card Promotion includes website links to course website on each radio station website.

Respectfully submitted, Alex Domaradzki Dir. Youth, Recreation, Parks & Seniors

MOVED by Alderman Schmigel SECONDED by Alderman Loncar

That the Common Council hereby approves entering into an advertising and marketing program agreement with Cumulus Radio Station Group (97 Rock, 104.1 WHTT, Sports Radio 1270 The Fan, 103.3 The Edge) for the purpose of advertising and increasing the exposure of Deerwood Golf Course to the public, for the 2025 Golf Season.

Ayes: Alderman Schmigel, DiBernardo, Marranca, Loncar, Lavey
Navs: None
(5)

CARRIED.

**XIX. Building Inspector** 

**December 16, 2024** 

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

Honorable Common Council & Honorable Mayor

I respectfully ask the Common Council to remove in its entirety Code Section 103-13.4H(2) from The Code of the City of North Tonawanda.

As presently published, the section reads as follows:

(2) Amortization of nonconformities.

(a)

The following nonconforming uses are subject to the following conditions and must be converted to conforming uses within five years of adoption of code.

[1]

Junkyards

[2]

Auto service stations

[3]

Scrap metal storage or processing

[4]

Billboards

[5]

Outdoor storage of equipment

(b)

Nonconforming uses that become a public nuisance through either the decline in appearance, increase in noise, smoke or vibration are subject to the amortization provisions above.

Enforcement of the above Code would result in the forced closure of many longstanding businesses in the Downtown District.

Thank you for your attention in this important matter.

Respectfully, Robert C. DePaolo Building Inspector

MOVED by Alderman DiBernardo SECONDED by Alderman Marranca That the Common Council at a regular meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 pm on February 18, 2025, approves removing City Code Section 103-13.4H(2) from the Code of The City of North Tonawanda and it reads as follows:

## As presently published, the section reads as follows:

(2	(۲	Amortization	ΟĪ	nonconformities.

(a)

The following nonconforming uses are subject to the following conditions and must be converted to conforming uses within five years of adoption of code.

[1]

Junkyards

[2]

Auto service stations

[3]

Scrap metal storage or processing

**[41** 

Billboards

[5]

Outdoor storage of equipment

(b)

Nonconforming uses that become a public nuisance through either the decline in appearance, increase in noise, smoke or vibration are subject to the amortization provisions above.

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

XXI. Monthly Report

#### 1. Senior Citizen Center 2. Clerk-Treasurer 3. Police Department

MOVED by Alderman Marranca SECONDED by Alderman DiBernardo That the Common Council hereby receives and files the aforementioned Monthly Reports.

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

Nays: None

CARRIED.

XXVI. Vacation & Sick Leave Reports

### 1. Dept. of Public Works

MOVED by Alderman DiBernardo SECONDED by Alderman Loncar

That the Common Council hereby receives and files the aforementioned Vacation & Sick Leave Reports.

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

Nays: None (0)

CARRIED.

# **COMMUNICATIONS FROM OTHERS**

A.

Joseph Lavey Jr. & Joseph Loncar

**February 5, 2025** 

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

**Dear Honorable Body:** 

I, Joseph Lavey Jr., 1317 Saybrook Avenue and Joseph Loncar, 223 Dimatteo Drive are requesting to be reappointed as a Commissioner of Deeds for the City of North Tonawanda.

Sincerely, Joseph Lavey Jr. and Joseph Loncar

MOVED BY Alderman DiBernardo SECONDED BY Alderman Schmigel That the Common Council hereby grants permission for Joseph Lavey Jr., 1317 Saybrook Ave and Joseph Loncar, 223 Dimatteo Drive to be appointed as Commissioner of Deeds for the City of North Tonawanda.

Ayes: Alderman Schmigel, DiBernardo, Marranca, Loncar, Lavey
Navs: None
(5)

CARRIED.

\_\_\_\_\_

В.

**Sweeney Hose Company** 

**February 5, 2025** 

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

**Dear Honorable Council,** 

The Sweeney Hose Company #7 has added Nicolas Leone as a new member to our roster as an active volunteer firefighter at our February meeting on February 3<sup>rd</sup>, 2025.

Please update accordingly the official roster kept with the City of North Tonawanda records.

Sincerely, Daniel D. Schmidt Sweeney Hose Secretary

MOVED BY Alderman Lavey SECONDED BY Alderman DiBernardo
That the Common Council hereby approves Nicolas Leone to be added to the North
Tonawanda Volunteer Fire Rolls

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

Nays: None (0)

CARRIED.

02-18-2025

C. Oliver Street Merchants

#### February 11, 2025

Honorable Austin J. Tylec And Common Council 216 Payne Avenue North Tonawanda, NY 14120

Re: Heritage Park Oliver Street Merchants Association Pride Festival

Dear Honorable Body,

The Oliver Street Merchants Association is requesting the approval from the Common Council for Oliver Street's 5<sup>th</sup> annual "Pride Festival" at Heritage Park on Saturday, June 21<sup>st</sup> (11-3pm). We request the closing of Vandervoort Street at the back entrance of Heritage Park, across the street from Monarch. This festival will include Artisan vendors as well as, live entertainment. The Artisan vendors will be located along the pathway of the park with the food in the street at Vandervoort Street like the years prior as to ensure the proper spacing required between vendors.

We are anticipating kicking off the festival with the flag raising at the park like all years prior. We also request the support of the Police Auxiliary to ensure the safety of the patrons of this event. As well as additional garbage cans for trash refuse and the stage in the usual place in the park. We will be hiring the North Tonawanda Police as well to complete ensure the safety of all the vendors and patrons.

If you have any questions, please feel free to reach out. I can be reached at the number below. I look forward to answering any questions that the Council may have and look forward to seeing you all there.

Sincerely, Lauren Schulte Oliver Street Merchants

MOVED by Alderman DiBernardo SECONDED by Alderman Lavey

That the Common Council hereby grants permission to the Oliver Street Merchants Association to hold their annual Pride Festival/Flag Raising at Heritage Park on Saturday, June 21<sup>st</sup> from 11am to 3pm, with the closing of Vandervoort Street at the back entrance of Heritage Park, across the street from Monarch, and directs the DPW, Police Department and Parks Department to provide the necessary requirements for said event.

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

D.

Thomas E. Krantz & James P. Muehlbauer

February 12, 2025

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

**Dear Honorable Body:** 

I, Thomas E. Krantz, 303 Oakdale Drive and James P. Muehlbauer, 1168 Bowen Drive W. are requesting to be reappointed as a Commissioner of Deeds for the City of North Tonawanda.

Sincerely, Thomas E. Krantz & James P. Muehlbauer

MOVED BY Alderman DiBernardo SECONDED BY Alderman Schmigel That the Common Council hereby grants permission for Thomas E. Krantz, 303 Oakdale Drive and James P. Muehlbauer, 1168 Bowen Drive W. to be appointed as Commissioner of Deeds for the City of North Tonawanda.

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

CARRIED.

**AUDIENCE PARTICIPATION** - None

# **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: 6:41 P.M.

Respectfully submitted,

Jonna L. Braun

City Clerk-Treasurer

Donna L. Braun