

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

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

Nays: None (0)

CARRIED.

COMMUNICATIONS FROM CITY OFFICIALS

#1. Mark Zellner

March 13, 2025

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

Re: Retirement

Honorable Mayor Austin J. Tylec & Common Council,

After substantial consideration, I would like to announce my decision to retire from my position as the Superintendent of Public Works of North Tonawanda. My retirement date will be March 29th, 2025. I want to take this opportunity to express my appreciation to Mayor Tylec, the men and women of the Common Council that I have worked with, and everyone else that I have had the privilege of working with during my time at the Department of Public Works.

I would also like to offer a special thanks to Mayor Pappas for having enough confidence in me to appoint me to this position.

**Best,
Mark Zellner
Supt. of Public Works**

MOVED by Alderman DiBernardo SECONDED by Alderman Loncar
That the Common Council hereby receives and files the letter of resignation from Mark Zellner as Supt. of Public Work, effective March 29th, 2025.

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

Nays: None (0)

CARRIED.

I.1 Mayor

March 6, 2025

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

Re: Park Fee Waiver Request for Healing Field Event at Gratwick Park

Dear Honorable Body,

The Erie Niagara Sunrise Exchange Club will be bringing back the 9/11 Memorial Healing Field Scheduled on September 10th – 13th at Gratwick Park. I am formally requesting to the Common Council a park fee waiver for this event as Exchange is a 501(c)(3) nonprofit.

This event has been a great addition for the community as a solemn tribute for those lost on that tragic day. We remain committed to fostering reflection and unity through this meaningful display.

We appreciate your consideration and look forward to your approval.

Respectfully,
Austin Tylec
Mayor

MOVED by Alderman Schmigel **SECONDED** by Alderman Marranca
That the Common Council hereby approves waiving the Gratwick Park fee for the Erie Niagara Sunrise Exchange Club for the 9/11 Memorial Healing Field on September 10th – 13th, 2026

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

Nays: None (0)

CARRIED.

I.2 Mayor

March 11, 2025

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

Re: Appointment of Keri Haring to the Twin Cities Homeless Taskforce

Dear Honorable Body,

I would like to formally designate Keri Haring, 1378 East Robinson, North Tonawanda, NY 14120 as an official representative of North Tonawanda on the Twin Cities Homeless Taskforce effective immediately until December 31, 2025.

Keri has played a key role in supporting the homeless population through her dedication and volunteer efforts, and we are grateful for her ongoing commitment. Since the inception of the Twin Cities Homeless Taskforce Keri has graciously volunteered her time and attended pertinent meetings. This new role will ensure that my office is properly updated as she will be included in all relevant correspondence, meetings, and reports.

The idea would be that this position can hereafter be renewed in one-year increments at the beginning of each year.

Thank you for your attention to this matter.

Respectfully,
Austin Tylec
Mayor

MOVED by Alderman DiBernardo **SECONDED** by Alderman Schmigel
That the Common Council hereby receives and files the appointment of Keri Haring, 1378 East Robinson, North Tonawanda, NY 14120 as an official representative of North Tonawanda on the Twin Cities Homeless Taskforce for a one (1) year term effective immediately until December 31, 2025

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

Nays: None (0)

CARRIED.

II. Attorney

March 12, 2025

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

Re: Local Law #2 for 2025 – To Establish Energy Restrictions and a Nuclear-Free Zone in the City of North Tonawanda

Dear Honorable Body:

Attached for your consideration is Local Law #2 for 2025, to address energy restrictions and a nuclear-free zone in the City of North Tonawanda.

As with all local laws, this local law was formally laid on the table for a period of at least 7 days in its final form, and a public hearing was held on February 7, 2025. The law may now be passed for adoption by the Common Council. Once it has been adopted by the Common Council, the law will be formally filed with the Secretary of State and will become effective upon such filing.

Very truly yours,
Edward A. Zebulske III
City Attorney

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 p.m. on March 18, 2025, approves the Resolution for Local Law No.2 of 2025 -A Local Law to Establish Energy Restrictions and a Nuclear-Free Zone in the City of North Tonawanda and it reads as follows:

LOCAL LAW NO.2-2025

A LOCAL LAW ESTABLISHING ENERGY RESTRICTIONS AND A NUCLEAR FREE ZONE IN THE CITY OF NORTH TONAWANDA

Chapter xxx Energy Restrictions and Nuclear Free Zone

§xxx-1 Definitions

As used in this chapter, the following terms shall have the meanings indicated:

Hazardous Radioactive Material

Any radioactive isotope(s) resulting from the operation of nuclear fission reactors; the elements of spent nuclear fission reactor fuel that are themselves radioactive; the radioactive components of nuclear fission reactors, or of any device or component of a device that has been used to contain or process radioactive isotopes; or the tailing or similar debris resulting from the mining of uranium or other radioactive elements, except as specifically exempted herein.

Nuclear Reactor

Any device that has as its purpose the controlled release of energy from nonexplosive reactions involving the fission of atomic nuclei.

Microreactor

Nuclear microreactors are very small reactors usually generating less than 50 megawatts of electricity (Mwe). They are seen as an alternative to small modular (50-300 Mwe) or conventional reactors (often around 1,000 Mwe). By comparison, microreactors can be produced more quickly, and within weeks, transported and deployed to locations such as isolated military bases or communities affected by natural disasters. They are designed to provide resilient, non-carbon emitting, and independent power in those environments.

Small Modular Reactor (SMR)

The small modular reactor (SMR) is a class of small nuclear fission reactors, designed to be built in a factory, shipped to operational sites for installation and then used to power buildings or other commercial operations. The term SMR refers to the size, capacity and modular construction. Reactor type and nuclear processes may vary. Of the many SMR designs the pressurized water reactor (PWR) (a type of light water nuclear reactor) is the most common. However, recently proposed SMR designs include generation IV, thermal-neutron reactors, fast-neutron reactors, molten salt, and gas-cooled reactor models.

Persons

Any person, corporation, college or university, laboratory, institution, governmental agency or other entity.

Wind Turbines

Devices that convert the wind's kinetic energy into electrical energy through the use of rotating blades connected to a generator. This includes both onshore and offshore installations.

Natural Gas Energy Plants

Facilities that generate electricity by burning natural gas to power turbines, often used as a cleaner alternative to coal or oil-based plants.

Coal Energy Plants

Facilities that generate electricity by burning coal to produce steam, which powers turbines connected to electrical generators.

Hydroelectric Energy Facilities

Installations that produce electricity by harnessing the energy of flowing or falling water, typically through dams or other water control systems.

xxx-2 Prohibition of Hazardous Radioactive Material Work

No person shall knowingly engage in work involving hazardous radioactive materials within the City of North Tonawanda as of the effective date of this chapter. Nothing in this chapter shall prohibit any person from engaging in such work outside of the City of North Tonawanda.

xxx-3 Transportation

Any transportation of hazardous radioactive materials through or over the City of North Tonawanda shall be subject to the following restrictions:

- A. Any person transporting such material shall notify the City of North Tonawanda at least 45 days prior to such transportation for review under provisions of this section, specifying the nature of such material, precise schedules of transport, and means of transport.
- B. Any person required to notify the City of North Tonawanda, as provided for in Subsection A above, shall, after notice is provided to the City of North Tonawanda, inform the public by a legal notice in a daily newspaper of general circulation in the City of North Tonawanda no less than one day per week for the four consecutive weeks preceding such transportation through the City of North Tonawanda. The published legal notice shall specify the nature of such material, precise schedules of transport, means of transport, and routes of transport and shall invite public responses, if any.
- C. The City of North Tonawanda shall independently monitor the transport of hazardous radioactive material through or over the City of North Tonawanda and shall assess the adequacy of safety and notice provisions relating thereto
- D. Each vehicle involved in such transport shall have clearly visible signs meeting at a minimum, state and federal requirement for identifying its contents as hazardous nuclear material.

xxx-4 Prohibition of Reprocessing, storage, and use

No person shall reprocess, store, dump, or use hazardous radioactive materials for any purpose within the City of North Tonawanda.

xxx-5 Energy Source Restrictions

- A. No person shall operate or cause to be built a nuclear reactor or micro reactor within the City of North Tonawanda in accordance with the Nuclear Regulatory Commission's

recommended threshold for reactor siting, “a nuclear reactor should not be located in an area where the population exceeds 500 people per square mile within a 10-mile radius” (NUREG-0800, Section 2.1.3)

- B. No person shall construct, install, or operate new wind turbines within the City of North Tonawanda.
- C. No person shall construct, install, or operate new natural gas energy plants within the City of North Tonawanda.
- D. No person shall construct, install, or operate new coal energy plants within the City of North Tonawanda.
- E. No person shall construct, install, or operate new hydroelectric energy facilities within the City of North Tonawanda.

xxx-6 Enforcement, Sanctions, and Citizens’ Rights

- A. The Climate Smart Task Force of the City of North Tonawanda shall have the duty to hold hearings, issue reports, and make recommendations to the Common Council, as it deems appropriate, to educate the public, determine means of implementation, and evaluate compliance with all sections of this chapter.
- B. The City of North Tonawanda, or any resident thereof, has the right to enforce this chapter by appropriate civil action for declaratory or injunctive relief. A prevailing plaintiff shall be awarded reasonable costs if suit and attorneys’ fees, payable by the person found to have violated this chapter.
- C. Each violation of this chapter shall be a misdemeanor, and each day shall be deemed a separate violation. Any person or entity found in violation of this chapter shall be subject to a fine of no less than \$5,000 for the first offense, with the penalty doubling for each subsequent violation within a 365-day period.
- D. Where the City of North Tonawanda determines that any energy activity covered under this chapter is occurring in North Tonawanda inconsistent with the intentions of this chapter, the city shall so notify the person(s) with a formal order to cease and desist from such activities each person so notified may appeal this decision to the Common Council within 30 days of receipt of said notice. The Common Council may uphold any appeal only if it finds, after public hearing, that such a person is not engaged in prohibited energy activities or other activity inconsistent with this chapter within the City of North Tonawanda. Failure of any person to comply with a cease-and-desist order within 60 days following its receipt, or following an unsuccessful appeal, shall be prosecuted to the full extent of city police powers. In addition, the city may impose either or both of the following sanctions:
 - a. Cut off any or all city services to the person concerned; and
 - b. Levying of fines.

xxx-7 Exclusions

- A. Nothing in this chapter shall prohibit the use of radioactive materials for medical, educational, or scientific purposes as determined by the City.

xxx-8 When Effective

- A. Unless otherwise specified, the provisions of this chapter are effective immediately.
- B. No person shall, within the City of North Tonawanda, commence any such prohibited activities after the date of passage of this chapter.

xxx-9 Severability

If any clause, sentence, paragraph, section or part of this chapter shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in a controversy in which such judgment shall have been rendered.

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

IV. Engineer

January 24, 2025

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

**Re: Smart Growth 2.0 Implementation of Downtown Placemaking Improvements
Project No. 2024-01
SEQRA – Environmental Assessment**

Honorable Body:

In accordance with the New York State Environmental Quality Review Act (SEQRA), the City in its capacity as lead agency, has prepared an environmental assessment of the significance of potential environmental impacts of the proposed project to implement additional placemaking improvements to the downtown corridor including rehabilitation of Charlie Fleishmann Park, installation of EV chargers in the Manhattan Street Parking lot, and hardscape and lighting improvements along Webster Street. This project is considered an unlisted action under SEQRA.

In order for the City to issue a Negative Declaration, Notice of Determination of Non-Significance, the Common Council should act on the following attached resolution.

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

MOVED by Alderman DiBernardo SECONDED by Alderman Loncar
That the Common Council at a regular meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 pm on March 18, 2025, approves the resolution to issue a Negative Declaration, Notice of Determination of Non-Significance for the Smart Growth 2.0 Implementation of Downtown Placemaking Improvements Project No. 2024-01 and it reads as follows:

WHEREAS, the City of North Tonawanda (Applicant) proposes the rehabilitation of Charlie Fleischmann Park, a small urban park (approximately 0.1 acre) adjacent to Webster and Main Streets. The project will include the addition of concrete paved areas, street furniture such as benches, trash receptacles, and bike racks. Also included is construction of a clock tower 8' x 8' and approx. 18 feet in height, with 4 clocks and lighting. Also included are three new light poles, an irrigation system, and a small concrete block planter. Two (2) new EV charging stations will be added to the nearby Manhattan Street public parking lot. Along Webster Street, proposed work includes the replacement of existing brick paver areas with exposed aggregate concrete pavement and will provide additional light poles and fixtures; and

WHEREAS, in accordance with the New York State Environmental Quality Review regulations (SEQR), the City of North Tonawanda City Council conducted an environmental review of the proposed Smart Growth 2.0 Implementation of Downtown Placemaking Improvements; and

WHEREAS, the City of North Tonawanda City Council has determined that the proposed action is an Unlisted Action as defined under SEQR and has prepared a Short Environmental Assessment Form; and

WHEREAS, the City of North Tonawanda City Council now desires to make its determination of significance in accordance with the SEQR regulations at 6 NYCRR §617.7

NOW THEREFORE BE IT RESOLVED, that the City of North Tonawanda City Council declares that, based on the Environmental Record which has been prepared, the Project will not result in any large and important impacts, and therefore, will not have a significant adverse impact on the environment. A Negative Declaration under SEQR is therefore issued for this

project and the City Council is resolved to issue the Negative Declaration pursuant to the SEQR Environmental Review.

FURTHER, BE IT RESOLVED, that the Common Council directs the Mayor to sign said Environmental Assessment form.

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

VII. Accountant

March 13, 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 March 18th, 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 March 18th, 2025, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:**

01	General Fund	\$452,024.46
02	Water Fund	\$94,639.09
04	Sewer Fund	\$92,921.34
06	Capital Project Fund	\$125,784.27
07	Trust & Agency Fund	\$1,509.62
00	Final Total	<u>\$766,878.78</u>

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

XXV. Monthly Reports

.1 Clerk-Treasurer .2 Police Department

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

XXXII. Dir. Community Development

March 11, 2025

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

**Re: Downtown Revitalization Initiative (DRI) Oliver Street Walkability &
 Implementation of Smart Growth 2.0 Amendment Agreement No.2
 Additional Lighting Design Services**

Dear Honorable Body:

Enclosed is a contract modification form from LaBella Associates to complete additional lighting modification design services for Webster Street as part of the Implementation of Smart Growth 2.0

Accordingly, I respectfully request that the Common Council approve the enclosed agreement for additional design services with LaBella Associates, 300 State Street, Suite 201, Rochester, NY 14614; in an amount of \$9,000; and authorize the mayor to sign said agreement subject to review by the City Attorney.

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

Very truly yours,
 Laura Wilson
 Dir. Community Development

MOVED by Alderman DiBernardo **SECONDED** by Alderman Loncar
 That the Common Council hereby approves the enclosed agreement for additional design services for the Downtown Revitalization Initiative (DRI) Oliver Street Walkability & Implementation of Smart Growth 2.0 with LaBella Associates, 300 State Street, Suite 201, Rochester, NY 14614; in the amount of \$9,000; and authorizes the mayor to sign said agreement

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

Nays: None (0)

CARRIED.

COMMUNICATIONS FROM OTHERS

A.
 Coleen Nobles

February 15, 2025

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

Dear Honorable Body:

I, Coleen Nobles, 104 Oakwood Terrace, is requesting to be appointed as a Commissioner of Deeds for the City of North Tonawanda.

Sincerely,
 Coleen Nobles

The Sponge Candy 5K has become a tradition for our community, allowing for residents, volunteers and race participants to enjoy a fun filled day while giving back to non-profits over the last seven races, Platter's Chocolate Factory and the community have raised over \$60,000! Together we have donated to the Samaritan's Purse Disaster Relief fund, Olivia's Bears, Joyful Rescues, to Special Olympics New York and Niagara Hospice. This year our plan is to partner with and donate to Tri-Community Ambulance Service, an organization chosen by team members of Platter's Chocolate Factory.

Previously, at the Council's request, we started early and put signs throughout the neighborhood along with door flyers. This worked out very well and upon approval we will start immediately to post on social media, place signage at Platter's Chocolate Factory, and two to three weeks before the race, canvas the neighborhood with signage.

I am seeking approval for the race so we can begin planning. Please contact me with any questions. Thank you for your consideration and support.

Sincerely,
Heidi Urban
Vice President, Platter's Chocolate Factory

MOVED by Alderman Loncar SECONDED by Alderman Marranca
That the Common Council hereby grants permission to Platter's Chocolate Factory to hold their annual Platter's Chocolate Sponge Candy 5K Race event Saturday, September 27, 2025 and directs the Police Department and the DPW to assist with necessary accommodations for said event.

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

Nays: None (0)

CARRIED.

LATE COMMUNICATION

MOVED by Alderman DiBernardo SECONDED by Alderman Loncar
To bring the following communication to the floor.

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

Nays: None (0)

CARRIED.

#1.

Mayor & Common Council

March 18,2025

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

Re: Approval of Easement Agreement with North Tonawanda City School District
for Payne Pool Project

Dear Honorable Body,

I am writing to request your approval of an easement agreement between the City of North Tonawanda and the North Tonawanda City School District. This agreement is essential for the advancement of the Payne Pool project and is contingent upon approval by the North Tonawanda City School District Board. Importantly, this easement will come at no cost to the City.

The easement agreement will provide the City with a permanent public outdoor recreation easement, ensuring continued access to Payne Park as required by the Land and Water Conservation Fund (LWCF) Act and 36CFR59.3. This step is a critical requirement for our grant through New York State and National Parks, allowing the project to move forward as planned.

Attached to this letter, you will find the proposed Easement Agreement along with a map detailing the location of the easement for your review. We kindly request your consideration and approval of this agreement to ensure the successful continuation of the Payne Pool project.

Thank you for your time and attention to this matter.

Respectfully,
Austin Tylec
Mayor

MOVED by Alderman DiBernardo **SECONDED** by Alderman Schmigel
That the Common Council hereby approves the attached Easement Agreement with the North Tonawanda City School District for a 30' wide proposed easement, from the Southeast corner of Gilmore School at Walck Road to the Northeast corner of Eleventh Avenue at a sale price of \$1.00.

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

Nays: None (0)

CARRIED.

AUDIENCE PARTICIPATION -

Sonia Dusza 123 Miller Street-Hopes that there is a good replacement for Mark Zellner, he has done a great job in his role as Superintendent. Also wanted to have it on record that she disagrees with the mayor's appointment of Paul Brown to the Zoning Board of Appeals-it is a bad choice.

Jack Kanack- 84 South Meadow -Thanked the council for passing the Nuclear Regulations Law and also would like to thank the City Attorney Ed Zebulske for his assistance on a neighbor dispute.

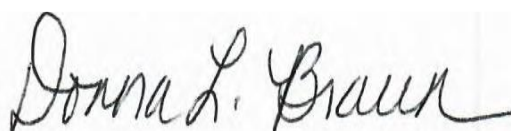
Joe Midura 115 10th Avenue- Asked why the city wouldn't have considered building one facility for the Community Center and the Aquatic Pool all in one space. Also questioned the Clock that is being proposed for downtown, it should be a scaled down version of what he had seen years ago. Also had some concerns about the new POD container codes that was being proposed.

ADJOURNMENT

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

Time of Adjournment: 7:21 P.M

Respectfully submitted,



Donna L. Braun

City Clerk-Treasurer