

II. Attorney

April 15, 2021

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

**Re: Proposed Amendment to Section 45 of the City Code of the City of
North Tonawanda – Solid Waste**

Dear Honorable Body:

Attached, for your consideration, is the proposed amendment to the Solid Waste section of the North Tonawanda City Code – Section 45. Please note that the language changes are set out in bold print.

Should your Honorable Body concur, please pass a resolution approving the changes to the North Tonawanda City Code, subject to any further review by the City Attorney.

**Very truly yours,
Luke A. Brown
City Attorney**

**MOVED by Alderman DiBernardo SECONDED by Alderman Zadzilka
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 April 6, 2021 approves the Amendment to Section 45 of the City Code of the City of North Tonawanda – Solid Waste and it reads as follows:**

CHAPTER 45 – SOLID WASTE

§45-15 Penalties for Offenses.

- E. Notwithstanding the penalties set forth above, unauthorized dumping shall be punishable by a mandatory fine of \$1,000.**
- F. Violations of this ordinance shall be reported to the Police Department, which shall have the responsibility of enforcing this ordinance and of issuing appearance tickets, when necessary**

§45-16 Removal by city; charges.

- A. It shall be unlawful for any person, firm or corporation to maintain or use any plot or parcel of land in the City as a dump or a place for the reception of and disposition of waste materials, heavy pickup, garbage, rubbish or refuse as defined in this chapter. It shall be the duty of every owner of any such plot or parcel of land to remove or cause to be removed from the premises any uncontained exterior accumulation of such materials described herein within 72 hours of the notice of noncompliance from the City.**
- B. Noncompliance; notice to correct. If the provisions of this section are not complied with, the Superintendent of Public Works, Chief of Police or their designee shall cause to be served a written notice upon the owner to comply with the provisions of Subsections A and C.**
- C. Performance of work by City. If the person upon whom the notice provided for in Subsection B is served neglects or refuses to remove or cause to be removed such garbage, rubbish, refuse or wastes within 72 hours after receipt of such notice or if no person can be found in the City who either is or claims to be the owner of such lot or land or who either represents or claims to represent such owner, the**

Department of Public Works shall cause such garbage, rubbish, refuse or wastes to be removed.

D. Collection of costs by City. The actual cost to the City for removing any such accumulated wastes as certified by the Superintendent of Public works, plus \$125 for inspection and any other additional costs incurred in connection with its enforcement herewith, shall be certified by the Department of Public Works to the City Treasurer and shall thereupon become and be a lien upon the property on which any such accumulated wastes as provided in this chapter were located and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced in the same manner as general City taxes.

§45-17 Severability; supersession of legislation.

- A. The declaration of any section of this ordinance by a court of competent jurisdiction to be invalid shall not invalidate the entire ordinance, but only the part thereof so declared to be invalid, and the remainder of said ordinance shall remain in full force and effect.
- B. Any and all laws, regulations or ordinances affecting the collection of garbage and refuse to the City of North Tonawanda are hereby declared to be superseded by this ordinance.

§45-18 When effective.

This ordinance shall take effect upon being adopted by the Common Council and publication in the official newspaper of the City of North Tonawanda.

Subject to further review by the City Attorney.

Ayes: Alderman Schmigel, DiBernardo, Zadzilka, Tylec, Pecoraro (5)

Nays: None (0)

CARRIED.

VII. Accountant

April 15, 2021

**Honorable Arthur G. Pappas, 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 April 20th, 2021, and further authorize the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant.

**Regards,
Jeffrey R. Zellner
City Accountant**

MOVED by Alderman Pecoraro SECONDED by Alderman DiBernardo
That the Common Council hereby authorizes for payment the current Abstract of Claims
for Common Council Audit dated April 20, 2021, and further authorizes the Mayor and
City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$158,311.79
02	Water Fund	30,610.49
04	Sewer Fund	59,714.89
06	Capital Project Fund	594.00
07	Trust & Agency Fund	<u>177.75</u>
00	Final Total	<u>\$249,408.92</u>

Ayes: Alderman Schmigel, DiBernardo, Zadzilka, Tylec, Pecoraro (5)
Nays: None (0)
CARRIED.

XXV. Monthly Reports

.1 Clerk-Treasurer

MOVED by Alderman Tylec SECONDED by Alderman Schmigel
That the Common Council hereby receives and files the aforementioned Monthly Report.
Ayes: Alderman Schmigel, DiBernardo, Zadzilka, Tylec, Pecoraro (5)
Nays: None (0)
CARRIED.

XXXII. Community Development

April 13, 2021

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

**Re: Community Development Block Grant Program – Coronavirus Aid, Relief,
 And Economic Security (CARES) Act – Request for Public Hearing**

Dear Honorable Body:

**In consideration of a possible application to the New York State Office of Community
 Renewal Community Development Block Grant CARES Act (CDBG-CV) funding
 program, per CDBG regulations, the City of North Tonawanda is required to hold a public
 meeting to discuss CDBG activities and the potential application. 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 meeting for the
 Community Development Block Grant (CDBG-CV) program to be held on May 4th, 2021 at
 6:00pm in the Common Council chambers immediately preceding the regularly scheduled
 Common Council meeting.**

Thank you for your time and consideration.

Kindest regards,
Michael Zimmerman
Dir. Community Development

MOVED by Alderman Zadzilka **SECONDED** by Alderman Pecoraro
That the Common Council hereby grants permission for Community Development to hold a public hearing in the Common Council Chambers, on May 4th, 2021 at 6:00pm immediately preceding the regularly scheduled Common Council meeting.

Ayes: Alderman Schmigel, DiBernardo, Zadzilka, Tylec, Pecoraro (5)

Nays: None (0)

CARRIED.

COMMUNICATIONS FROM OTHERS

A.

**United Veterans' Council of
The Tonawandas**

April 12, 2021

**City Clerks Office
216 Payne Avenue
North Tonawanda, NY 14120**

North Tonawanda Common Council,

On Sunday May 30, 2021, the United Veterans' Council would like to hold our Memorial Day service on the Renaissance Bridge. The service will start at 12 noon and will over by 12:30pm. are requesting that traffic to the bridge be closed at 11:30am and reopen at 12:45pm.

All city officials are invited to the service. Masks and social distancing will be in effect.

The Veterans' Council after much discussion has decided to cancel the parade for lack of marching units and poor attendance along the parade route.

**In Service to America
Paul Pietrowski**

MOVED by Alderman Pecoraro **SECONDED** by Alderman DiBernardo
That the Common Council hereby approves the closing of the Renaissance Bridge on Sunday May 30, 2021 from 11:30AM to 12:45PM for the annual Memorial Day Observance Service by the Tonawanda's United Veterans Council, directing the DPW to provide barricades for said event and the Police Department to assist with traffic.

Ayes: Alderman Schmigel, DiBernardo, Zadzilka, Tylec, Pecoraro (5)

Nays: None (0)

CARRIED.

B.

Vanguard Church

March 30, 2021

**Donna Braun
City Clerk
216 Payne Avenue
North Tonawanda, NY 14120**

Dear Ms. Braun,

Vanguard Church, 375 Payne Avenue, is hosting the Regional National Day of Prayer again this year. We have been holding this event in different areas in the past.

We would like to use the farmers market this year and are asking for permission to do so.

We have had permission to hold our yearly Harvest party there in the past. You required a Certificate of Liability insurance which we can do again.

The date is Thursday, May 6th the actual event is from 6-7:30 (a parking lot service) total set up and clean up time would be 4pm to 9pm.

Thank you so much for your time and hoping for a favorable reply.

Sincerely,
Marian Stilwell / Deanna Drabek
Church Administrators

MOVED by Alderman Zadzilka **SECONDED** by Alderman Schmigel
That the Common Council hereby grants permission for Vanguard Church, 375 Payne Avenue, to use the farmers market parking lot, Thursday, May 6, 2021, from 4pm to 9pm, for their National Day of Prayer event.

Ayes: Alderman Schmigel, DiBernardo, Zadzilka, Tylec, Pecoraro (5)

Nays: None (0)

CARRIED.

C.
Lumber City Church

April 5, 2021

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

Dear Mayor and Council,

Attached is a request from the Lumber City Church to close off a portion of Vandervoort Street between Keil St. & Robinson St. on May 22nd from 9am to 4pm. This street closure is to hold their annual clean-up day event and make a positive impact in our community.

Should this Honorable Body have any questions regarding this resolution, I encourage you to contact me directly.

Respectfully,
Austin J. Tylec
Alderman-at-Large

MOVED by Alderman Schmigel **SECONDED** by Alderman DiBernardo
That the Common Council hereby grants permission for Lumber City Church, 383 Vandervoort Street, to close Vandervoort Street from Keil to Robinson on Saturday, May 22, 2021, from 9am to 4pm, for their annual clean-up event and directs the DPW to provide barricades for said event.

Ayes: Alderman Schmigel, DiBernardo, Zadzilka, Tylec, Pecoraro (5)

Nays: None (0)

CARRIED.

AUDIENCE PARTICIPATION

Mark Swogier, 346 Goundry Street – Would like to talk to the Council about Polkas in the Park at Veterans Park on July 17, 2021 and a possibility of more down the road.

ADJOURNMENT

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

Time of Adjournment: 7:00P.M.

Respectfully submitted,



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