

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, February 7, 2023
6:30 P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT DIBERNARDO

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: President DiBernardo
Alderman Schmigel, Lavey, Loncar, Marranta

Absent: None

Also Present: Mayor Austin J. Tylec
City Attorney Edward Zebulske, III

MAYOR TYLEC – STATE OF THE CITY ADDRESS

To the residents, Common Council, and others in attendance today, it is an honor to report on the State of The City for 2023 and I would like to thank all of you for continuing to place your trust and confidence in me as your Mayor throughout my first year in office. When I started as Mayor, some of my main priorities were to create a positive work environment by supporting our departments, stabilize our city finances, find more opportunities for public and private growth, and put the people of our community first. This and providing our daily public services to residents would not be possible without the collaboration of our Department Heads, hundreds of city employees, elected officials, and many more that make our City of North Tonawanda the greatest place in Western New York.

While the nation, state, and local municipalities are experiencing some of the most challenging economic environments in recent history, with inflation reaching record levels, gas prices skyrocketing, and minimum wages increasing, North Tonawanda still experienced economic growth. And for the first time in over 5 years, because of all our hard work, we ended our 2022 fiscal year with a projected surplus of approximately \$1,000,000 which ultimately begins to replenish our dwindled reserves and gets us on the right tract moving forward. Parallel to this budgetary accomplishment, when we started the creation of the 2023 budget between the City Clerk-Treasurer, City Accountant Jeff Zellner, Department Heads, and myself, we were initially looking at a \$3 million budget gap for our General Fund, and a combined \$700,000 deficit in our Water/Sewer Fund. However, after rigorous efforts by our team, and coordination with the Common Council, we developed a 2023 budget which removed those deficits, balanced the General Fund, created a surplus between our Water/Sewer Fund, and maintained our public services.

All of this wasn't easy, but we took actions to reduce costs, secure grants, and find ways to manage unforeseen circumstances. We initiated a gas policy to reduce our use by thousands of gallons, collaborated with the School District on various programs, implemented an over-time reduction policy, and negotiated competitive & fair healthcare plans for employees while still providing the coverage they need. We created committees to devise ways to improve our financial procedures, began capital plans for city projects and

equipment, and worked with the council, department heads, and New York State to bring in new revenue sources and initiatives for our city. because of these collaborative efforts, North Tonawanda made incredible strides this past year.

In 2022, Our Department of Public Works successfully paved a historic 31 lane miles of roads, removed 237 undesirable trees, hauled over 15,000 tons of garbage and 1,800 tons of recyclables, repurposed 16,000 cubic yards of organic waste into free woodchips for residents, and found new methods to repair over 6,000sf of sidewalks which saved us \$100,000. In 2023, the department plans to maintain the historic amount of paving, and because we have allocated more funding for sidewalks than years prior, we will see substantial increase in repairs. It's also important to note the things they do outside of providing these day-to-day services. Whether it's putting up our Downtown Christmas Tree & decorations, installing the Hometown Heroes Wall at our City Market, assisting with the new LED signage at City Hall, hanging banners for local merchant associations, and much more, they always go above and beyond what's expected, while maintaining the entire city. Our office and the members of our community are thankful for everything Mark Zeller and his employees do.

In our Parks & Recreation Department we saw consistent use of our parks, boat docks, ballfields, golf course, park shelters, and many other public amenities. In 2022, the department served approximately 6,000 individuals through our Youth Center, Senior Center, and Recreational Programs. The department also completed a vast array of improvements and projects. A new pavilion and bathrooms were added to Gratwick Park thanks to Niagara River Greenway Funds. Renovations to our Pinewoods Park Pavilion and a new accessible bathroom were completed with DASNY funding, the Niagara St Fishing Pier was renovated through the East Hill Foundation, additional bike repair stations were installed along the canal, and with the plant it Forward Initiative approximately 100 new trees were planted and added to our Forest Management Plan, which is a part of our online mapping system that tracks every public tree planted or removed for future planning.

At Deerwood Golf Course we had 57,698 rounds of golf played, and the course brought in approximately \$1,000,000 of revenue. With our grounds crew, new maintenance equipment, pump station upgrades, and various drainage enhancements, Deerwood looks better than even before. We understand how disappointing it was to lose our long-standing concessionaire for the 2022 season, but after extensive improvements to the Concession building roof, plumbing, fencing, and entrance, we were able to secure a new concessionaire to manage the restaurant, named 1818 Sweeney Bar & Grill, starting this March.

In 2023, the Department will continue to play an active part in providing residents and visitors of our community with friendly, enjoyable, and satisfying recreational experiences. We can also look forward to public Wifi at Gateway Harbor, going out to bid on The Sweeney St bike path extension, and the most exciting news is the City beginning design for a new outdoor aquatic facility at Payne Park this year! Thank you to Alex Domaradzki and his entire staff for all their dedication and hard work.

The City Market the gem of our city, underwent major improvements the last year under the leadership of Market Manager Chris DelPrince and in coordination with Clerk-Treasurer Donna Braun. With sponsorships by David Chevrolet & Others, grants through former Assemblyman Robin Schimminger and Senator Robert Ortt, and assistance by our DPW, we were able to invest nearly \$200,000 into our market. We repaved and reconfigured roads & sidewalks to create a more walkable environment with accessible parking, added new lighting for the early rising farmers, installed a captivating mural, and enhanced our Hometown Heroes Wall giving honor to those who served. As many have seen, Storm Elliott took a toll on the Hometown Heroes Wall, but we are working with SignTech to replace and restore these panels. With more vendors and events at the Market in 2022, we exceeded revenues, brought in new visitors to our city, and supported local

farmers more than ever before. The City Market will continue to grow thanks to Chris DelPrince's business experience, ability to bring people together, and his fantastic team.

One department that I've always considered the nucleus of our City is the Clerk-Treasurer's Office. They interact with almost every department, manage our Common Council agendas, organize our City Committees, communicate and interact with thousands of our residents, process bills, issue licenses, and much more to keep City Hall functioning. For 2023, the department will be initiating new ways to get information out to the public with bulletins on the new signage at City Hall and updates to our city website, along with assisting in a new automatic meter program. Thank you to Clerk-Treasurer Donna Braun and your entire department for keeping us moving forward.

Within City Hall this past year, the Assessor's Office & Building Department processed a landmark amount of residential and commercial property improvements throughout the city, totaling over \$34m. This was by far the busiest year in development for these departments. Assisting with projects such as the 120-unit luxury apartments along River Road's waterfront, Coffee & Stone on Webster St, Taco Bell and KFC on the Niagara Falls Blvd, and new subdivisions throughout the city. With the building department issuing over 2,200 building permits and our assessor's office processing approximately 700 property sales, our residential and commercial market is healthy in North Tonawanda, with more on the way for 2023. Thank you to Rob DePaolo, Barbara Klenke, and all your staff for furthering growth in our city and continuing to stimulate our tax base.

Following the millions of dollars in private developments, our Engineering Department also had a busy year. Overseeing improvements at Pinewoods Park, The City Market, and City Hall. As well as managing the paving Downtown, construction of the River Road bike Path, coordinating a Tonawanda Island infrastructure study, and moving the Sweeney St Bike path extension along. This work won't stop in 2023 with the \$1.4m water line replacement project on Zimmerman St for future developments, the \$600,000 Meadow and Payne Intersection replacement, the \$86,000 GIS implementation project to update our city infrastructure maps for future maintenance, and one of the biggest initiatives, is starting a \$500,000 city-wide water & sewer infrastructure study which will help us invest appropriately into replacing our aging infrastructure. Thank you to Chelsea Spahr, Travis Sikora, and their staff for managing millions of dollars in improvements throughout our city.

As many of us know, North Tonawanda prides ourselves in having a safe community thanks to our Police Department. Under the new leadership of Police Chief Keith Glass in 2022, the department processed over 50,000 calls for service which resulted in 453 arrests. While keeping up with New York State's police reform laws, new less-lethal & defensive tactics training was initiated to keep our law enforcement officers and the public safe. Several officers are even taking part in a nation-wide program called "Every Cop A Blue Belt" where officers train in Brazilian Jiu-Jitsu with the goal of becoming a blue belt. In addition to new initiatives, Chief Glass implemented new ways to maintain our female matron prison watch staff, after we experienced a shortage. Fortunately, these changes led to an annual savings of \$100,000 a year. In 2023 we will be making necessary upgrades to our shooting range for training, acquire a new Lie Detection kit to accelerate investigations, and new workout mats for training purposes thanks to funding through Assemblyman Conrad's office. The department also made public outreach a priority with programs like "National Night Out", "Child Safety Seat Checks", "Trunk or Treat", "Shop With A Cop", AND "Boxes of Hope".

Adding to public outreach, we renewed our School Resource Officers contract with the NT School District and will continue to provide two (2) Officers between the High School & Middle School. Moving into 2023, we are in discussions about expanding security with three (3) more Officers stationed between all existing schools within the city. this would not only enhance security, but also foster positive relationships with students & staff. I would like to commend Police Chief Keith Glass for your proactive leadership and thank the

entire Police Department for everything you do. I am confident our law enforcement will continue to keep our city one of the safest in New York State.

Parallel to public safety, our Fire Department responded to 3,800 incidents in 2022. They saw \$1.1m in fire loss damages, which was an increase of \$300,000 from 2021, but fortunately no fire related lives were lost this past year. Along with fire inspections related to new businesses, daycares, mobile food permits, and events, the department investigated 34 fires in 2022. Our Firefighters maintained training with on and off duty drills, medical education, professional development, and have all completed the First Line Supervisor Program.

The department continues to be an asset to our city. They don't just keep us safe from fires, natural disasters, water related rescues, or when we need medical attention, they also collaborate with our Police Department, Volunteer Firefighters, and Police Auxiliary whenever we need them in action. Thank you to Fire Chief Joe Sikora and our entire fire department for stepping up when emergencies come our way.

Our Water Department is more than half-way through the engineering our Phase 1 Capital Improvement Plan and our plant backup generator construction will be completed this spring, along with the start of Phase 2 which includes updating and relocating various electrical services. The department also started updating out lead sampling program and addressed numerous outstanding violations. For 2023 we will be starting construction of the Phase 1 Capital Project, continue the engineering of our Phase 2 Capital Project, and develop a waste removal system for our Alum.

This past year, Water Distribution handled approximately 45 water main breaks, began our lead and copper rules and regulation program, and completed major valve replacements at Wheatfield St & River Road, which supplies half of our city with water. Starting this year, we will be initiating a city-wide automatic meter replacement plan for residents and business owners. Similar to surrounding municipalities, these automatic meters will no longer require people to send in meter cards, instead the city will be able to collect readings through cellular signal, which will save time and money for us all. It is our intention to start replacements a few months from now and the replacement of approximately 11,500 meters will be completed within 5-years.

In our Wastewater Treatment Plant we are continuing to work on The Phase 1 Capital Improvement Project, update all chlorine regulatory documents, start preventative maintenance programs for all high voltage electrical equipment and substations, and install a new ferric chloride secondary containment system. If everyone recalls many months ago we called on NYS, with the assistance of Assemblyman William Conrad, to provide much needed funding for our Wastewater Treatment Plant. With our efforts we were able to secure \$5m in funding to replace our deteriorating Carbon Pipes and upgrade our failing digester. Since then, Superintendent Koepsell is happy to report that these two projects are steadily underway. Inspections, engineering reports, and drawings are all moving forward in a timely manner with construction projected to begin early 2024. These are two essential features of our plant that prevent wastewater from backing up into basements and stop raw sewage from discharging into the Niagara River. Although we need more than \$20m over the next decade to keep maintaining our plants, we are in a much better place after this last year and have more plans to come. Thank you to Superintendent Jason Koepsell and your entire staff for everything they do.

While we continue to maintain various aspects of our city, we must also be working to bring in new development, strengthen and expand businesses, while preserving neighborhoods to increase our tax base. Through Lumber City Development and the leadership of Community Development Director Laura Wilson, we have seen an incredible influx of State Funding and economic growth in 2022, with much more to come this year. Many of the projects and grants mentioned have transpired from Miss Wilson's coordinated efforts between LCDC, my office, the Common Council, city departments,

Local Businesses, and New York State agencies. With more than \$15m in grants awarded to the city over the last 18 months, we can look forward to an array of projects starting this year. Some of these include a \$45m redevelopment of the former Lowery Middle school into affordable senior housing, a city-wide update to our comprehensive plan from 2008 to understand long term goals, a Local Water Revitalization Program to guide development on our waterfronts, new technology upgrades to Gateway Harbor, and of course the start of our Downtown Revitalization Initiative (Known as the “DRI”). The city was awarded \$10m through the DRI from Governor Kathy Hochul’s office and The Department of State. This becomes a comprehensive approach to boosting local economies by transforming communities into vibrant neighborhoods where the next generation of New Yorkers will want to live, work, and raise a family.

In 2022, New York State initiated DRI efforts with the establishment of a Local Planning Committee (LPC) in North Tonawanda, which was comprised of local stakeholders, to oversee the development of a strategic plan for revitalization of our Downtown, Waterfront, and Oliver St corridor. The committee received support and technical assistance from a team of planners selected by the State, along with C&S Engineering.

Our Local Planning Committee was instrumental in developing a vision with the consulting team and community that targeted strategic goals which directed the selection of DRI projects.

Some of these strategic goals for the DRI region were:

1. Support density necessary to create excitement throughout the day with a mix of shopping, dining, and entertainment.
2. Enhance downtown as NT’s residential, hospitality, economic and employment center, by attracting visitors through an array of living, working and recreational opportunities.
3. Focus on high quality, efficient, and climate resilient development benefitting the downtown’s abundant historic, cultural, recreational, and natural resources and its delightful public realm.
4. Leverage Downtown’s unique location, culture, and history at the confluence of two historic waterways to develop exceptional urban waterfront experiences.

Throughout the entire DRI process, public engagement sessions were held in the form of surveys, public engagement events, walking tours, a venue crawl, and community chalkboards.

After the LPC developed goals and strategies, an open “Call for Projects” began. Public & Non-Profit projects had an opportunity for 100% funding if selected, while private projects could receive no more than 50% of their total project cost. Once submitted, the projects were ranked based on a variety of factors and submitted to NYS in the Summer of 2022.

Projects submitted included 23 public, private and non-profit projects, totaling approximately \$13 million dollars. Ultimately the final slate of projects were awarded by New York State in December 2022, and are as follows:

Awarded Projects that will Enhance our Waterfront Access & Public Spaces include:

- \$156,000 to extend a 300-foot public riverwalk along the Niagara River at 624 River Road
- \$750,000 to the creation of a public benefit area on the waterfront of 78 Bridge Street, located on Tonawanda Island, and a crucial piece for future plans to develop an adjacent multi-million dollar mixed-use property there.
- And \$1,000,000 to the implementation of various Downtown placemaking improvements and Fleischman Park enhancements.

Projects that Improve Streetscape & Walkability include:

- \$1.5m towards streetscape enhancements along the Oliver Street corridor, adding green space, lighting, and crosswalk improvements

Projects that Expand Arts & Cultural Opportunities include:

- \$1.2m to modernize and expand the Riviera Theatre with ADA restrooms, a new concession & merchandise area, a lounge, and more.
- \$470,000 to the Railroad Museum for site improvements and enhancing the connection between downtown and Oliver St.
- And \$210,000 to the Allan Herschell Carousel Museum expansion and future programming.

Projects that Increase Housing & Business Opportunities include:

- \$1,360,000 for the development of a mixed-use residential/commercial building at 122 Webster Street.
- \$1,000,000 for the renovation of the former Ridge Furniture at 27 Mian Street into a seasonal ice cream shop, multiple retail spaces, and commercial prep kitchen.
- \$600,000 for a Commercial Property Improvement Program that will be administered by LCDC to address small-scale projects and underutilized buildings.
- \$549,000 for redevelopment of 211 Main Street into a professional incubator space for landscape, engineering, and construction related businesses.
- \$525,000 towards the construction of a new apartment complex at 10 Goundry Street.
- \$250,000 to rehabilitate 230 Oliver Street into mixed-use commercial/residential units.
- And \$100,000 for upgrades to low-income apartment units at 235/239 Oliver Street.

The 14 transformative projects selected by NYS accumulate to over \$22.5m in development, with \$12.5m of this leveraged by private funds. It's great when grant dollars contribute to our growth, but it's even more important to recognize the millions of private dollars that are being invested into our city with DRI.

Led by Laura Wilson, these projects will be significantly underway by late 2023. Upon completion of these key projects, they will expand our ongoing efforts to continue the momentum in North Tonawanda, and usher new growth throughout our downtown and waterfront areas. Congratulations to those awarded.

Over the last year North Tonawanda has truly prospered & unified thanks to our City Departments, Local Businesses, Elected Officials, and with the support of New York State. I have truly enjoyed my first year as your Mayor, and in 2023 I will continue to work tirelessly to keep taxes low, increase services and safety, expand new development, unify our city, and provide a proactive approach to government. North Tonawanda is a destination that Western New York has begun to recognize, and we should be proud to live here. Thank you again to everyone in attendance today and for your commitment to our city. There is an immense amount of potential in our community, and I am truly honored to serve the wonderful citizens of North Tonawanda.

Austin J. Tylec
Mayor

AUDIENCE PARTICIPATION

Karl Bauer, 1066 East Robinson St. – Asked about the Mayor's Veto of the Assured Partners (Premier).

APPROVAL OF THE MINUTES OF THE REGULAR MEETING JANUARY 17, 2023

MOVED by Alderman Schmigel **SECONDED** by Alderman Lavey
That the minutes of the regular meeting held January 17, 2023 be approved as circulated
and filed in the office of the City Clerk.

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

Nays: None (0)

CARRIED.

PROOF OF PUBLICATION PUBLISHED 11/29/22, 12/20/22 & 1/10/23

- 1) Legal Notice – Notice of Foreclosure of Tax Liens by the City of North Tonawanda
by Action In Rem - City Attorney and City Clerk-Treasurer
- 2) Legal Notice – Notice of Foreclosure of Tax Liens by the City of North Tonawanda
by Action In Rem - City Attorney and City Clerk-Treasurer

PROOF OF PUBLICATION PUBLISHED 1/14/2023

- 1) Legal Notice – Public Hearing – For the Re-Zoning of 460 Schenck Street (Vacant
Parking Lot) – City Clerk-Treasurer

MOVED by Alderman Lavey **SECONDED** by Alderman Marranta
That the Common Council hereby receives and files the aforementioned Proof of
Publications.

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

Nays: None (0)

CARRIED.

COMMUNICATIONS FROM CITY OFFICIALS

#1. Robert Pecoraro

January 23, 2023

Honorable Common Council
216 Payne Avenue
North Tonawanda, NY 14120

Dear Common Council Members,

I am excited to present the attached Resolution for Smoke Free Media. In 2020, through a collaborated effort with the Community Health Alliance of North Tonawanda (CHANT) along with Reality Check of Erie and Niagara Counties, this honorable body passed a resolution banning smoking from North Tonawanda in Parks. To go one step further, I am requesting the North Tonawanda Common Council adopt the attached resolution for Smoke Free Media for all the reasons outlined in the resolution.

Recommendation: The North Tonawanda Common Council adopt the Smoke Free Parks Resolution. Although I will no longer be an Alderman when you adopt the resolution, I will stay engage with both CHANT and Reality Check of Erie and Niagara Counties. As always, thank you for your service to our community.

Sincerely,
Robert Pecoraro
Alderman at Large

MOVED by Alderman Lavey SECONDED by Alderman Loncar
That the Common Council at a regular session meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 PM on February 7th, 2023, approved the Smoke-Free Media Municipal Resolution 2022-2023 and it reads as follows:

SMOKE-FREE MEDIA MUNICIPAL RESOLUTION 2022-2023

WHEREAS, a study released by the U.S. Food and Drug Administration (FDA) and the U.S. Centers for Disease Control and Prevention (CDC) found that 2.55 million U.S. middle and high school students reported current (past 30-day) e-cigarette use in 2022,¹ and

WHEREAS, nearly half (46%) of high schoolers who vape do so nearly daily,² putting them on a trajectory for a potential lifetime of nicotine addiction and at increased risk for addiction to other substances, and

WHEREAS, young people are 3x more likely to start vaping when exposed to commercial tobacco imagery in popular streaming and TV shows³, and

WHEREAS, onscreen commercial tobacco product use and imagery is directly contributing to the youth e-cigarette epidemic⁴ and the entertainment industry should not be complicit with the commercial tobacco industry in helping addict a new generation of young people, and

WHEREAS, commercial tobacco remains rampant in the year's most popular shows, movies, and music videos,⁵ fueling the ongoing youth e-cigarette epidemic, and

WHEREAS, commercial tobacco imagery appeared in 60% of 15-24 year-olds' top 15 new shows in 2020, exposing an estimated 27 million young people⁶,

WHEREAS, despite a prior pledge to limit tobacco depictions in its offerings, Netflix was the top offender based on its new 2020 season releases and popular binge-worthy shows⁷, and

WHEREAS, researchers say young people may be imitating the behavior of smoking with the more popular product among their generation⁸, and

WHEREAS, the pervasiveness of onscreen commercial tobacco imagery points to an overall problem with the normalization and glamorization of smoking and vaping in entertainment media and pop culture; and

WHEREAS, the entertainment industry should not be complicit with the tobacco industry in helping addict a new generation of young people to nicotine. Reality Check of New York urges the Attorney General of New York and the National Association of Attorneys General to address the issue, including:

- Calling on content creators to develop comprehensive anti-tobacco policies and share them with the public.
- Running successful anti-tobacco and anti-vaping ads before and during shows that feature tobacco imagery.
- Certifying that the film industry accepted no tobacco industry payoffs in exchange for including tobacco depictions in a show.
- Expanding education, outreach, and research efforts to inform the public, parents, directors, writers, and producers about the importance of keeping tobacco out of shows.
- Calling on content creators to eliminate smoking and vaping in all new youth-rated films or productions.

NOW, THEREFORE BE IT RESOLVED, that the Common Council of North Tonawanda, does hereby encourage the New York State Attorney General and the National Association of Attorneys General to take the steps outlined above to reduce the impact of commercial tobacco imagery on youth; and be it further

RESOLVED, that a copy of this resolution be given to Reality Check of Erie and Niagara Counties.

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

I.1 Mayor

January 13, 2023

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

**Re: Mayoral Veto to Common Council's cancelation of the agreement with
 Bird Ride, Inc. for Stand-Up Electric Scooters**

Dear Common Council,

**Pursuant to Sec. 2.023 of our City Charter, I wish to exercise my veto on the cancelation of
 the agreement with Bird Ride, Inc. for Stand-Up Electric Scooters.**

**Respectfully, I believe the pilot agreement with Bird Scooters is a positive initiative that has
 benefitted our community. In the few weeks Bird was here in the fall of 2022, there were
 over 2,000 rides to work, businesses, events, parks and more. There were approximately
 535 riders who were commuters, veterans, students, and even low-income participants who
 paid half the standard cost. In addition, this agreement with Bird takes liability off the
 City and the city does not manage any of the scooters, but the city still receives a revenue
 share (\$.20 per ride) projected at \$10,000 + a year.**

**This progressive initiative showed Western New York that North Tonawanda is moving
 forward with new ideas. Our agreement with Bird was intended as a one-year PILOT. My
 recommendation is to complete the one year before making a determination.**

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 on the cancelation of the
 agreement with Bird Ride, Inc. for Stand-Up Electric Scooters.
 Ayes: Alderman Schmigel, Lavey, Loncar, Marranca, DiBernardo (5)
 Nays: None (0)
CARRIED.**

I.2 Mayor

January 13, 2023

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

**Re: Mayoral Veto of Proposed Amendment to Contract Agreement between AP
 Advisors, LLC d/b/a Premier Consulting Associates, and City of North Tonawanda**

Dear Common Council,

Pursuant to Sec. 2.023 of our City Charter, I wish to exercise my veto on the Proposed amendment to Contract Agreement between AP Benefit Advisors, LLC d/b/a Premier Consulting Associates, and City of North Tonawanda for the following reasons.

According to the North Tonawanda Purchasing Policy I believe we are required to gather additional quotes for this professional service through an RFP process. Pursuant to section 5.0 NON-COMPETITIVE BIDDING REQUIREMENTS PROPOSALS AND QUOTATIONS of our Purchasing Policy, "Goods and services which are not required by law to be procured by the City through competitive bidding will be procured in a manner so as to ensure the prudent and economical use of public monies in the best interest of the taxpayers. Alternative proposals or quotations will be secured by requests for proposals, written or verbal quotations or any other appropriate method of procurement, as set forth below."

In addition, section 5.25 Professional Services: RFP of our policy states "Documentation will include City RFP document, the names and addresses of at least three vendors RFPs were submitted to (if three are not available this must also be documented), and the written proposals/responses from vendors. As referenced in section 5.13...5.13 Request for Proposals (RFP): In securing professional services (e.g. legal, engineering, consulting, accounting, or other, consultation) the City shall develop and issue a planned RFP document containing all relevant details and specifications of the services needed, including the method which will be used in selecting the provider(s). The RFP shall solicit written proposals from relevant professionals and the review process may include negotiations on a fair and equal basis with all respondents."

Under section 6.20, department heads will not be required to secure such alternative proposals or quotations for Emergencies where time (days vs. weeks) is a crucial factor, Procurements for which there is no possibility of competition (sole source items or OEM parts/service), Procurements of professional services, which, because of the specialized nature of the services, do not lend themselves to procurement through solicitation, or Procurements, under the \$1,000 threshold, where solicitation of competition would not be cost-effective.

However, these four expectations would not exempt us from acquiring alternative proposals or quotations.

In conclusion, I am advising the council to follow our purchasing policy by gathering additional proposals. Assured Partners has assisted the city with numerous healthcare related tasks and although this consultant only cost us \$95,000 annually, this consultant manages approximately \$6,000,000+ of our healthcare related expenses, which makes our selection extremely important. We have time to properly procure additional proposals considering the contract with Assured Partners does not expire until April 2023. I appreciate the work Assured Partners has provided to the City and working with our City Attorney, but it is still our policy to give equal opportunity to all interested parties through a proper procurement process even if Assured Partners ultimately becomes our consultant after further review of all our options.

Thank you for your attention to this matter.

Respectfully,
Austin Tylec
Mayor

MOVED by Alderman Lavey

SECONDED by Alderman Schmigel

That the Common Council hereby overrides the Mayor's Veto on the Proposed Amendment for the Contract Agreement between AP Benefit Advisor, LLC, d/b/a Premier Consulting Associates, and City of North Tonawanda.

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

(5)

Nays: None

(0)

CARRIED.

I.3 Mayor

January 23, 2023

Honorable Common Council
216 Payne Avenue
North Tonawanda, NY 14120

Re: Hazardous Mitigation Plan

Dear Common Council,

The Niagara County Department of Emergency Services, working with the public, local municipalities, and the University at Buffalo Regional Institute, completed an update of the Niagara County Hazard Mitigation Plan (HMP) in 2022. Every five years, Niagara County's Hazard Mitigation Plan (HMP) must be updated and approved by FEMA in order for the County and its towns, cities, and villages to be eligible for FEMA hazard mitigation grants, which would be critical in the event of a hazard. The Niagara County HMP was last updated in 2017.

The NYS Department of Homeland Security and Emergency Services (DHSES) recently completed their review of the plan and it is being submitted to FEMA for approval. Local municipalities are asked to formally adopt the plan to ensure that all local governments are eligible for hazard mitigation funds and are working together to mitigate hazards and address pressing concerns.

Please review and approve the attached resolution so we can continue to move forward with the application process.

Thank you for your attention to this matter.

Respectfully,
Austin Tylec
Mayor

MOVED by Alderman Lavey SECONDED by Alderman Marranta
That the Common Council at a regular session meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 PM on February 7th, 2023 approved the Niagara County 2022 Hazard Mitigation Plan Resolution and it reads as follows:

NIAGARA COUNTY 2022 HAZARD MITIGATION PLAN RESOLUTION

WHEREAS, the City of North Tonawanda, with the assistance from Niagara County Department of Emergency Services, has gathered information and prepared the 2022 Niagara County Hazard Mitigation Plan; and

WHEREAS, the 2022 Niagara County Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the City of North Tonawanda is a local unit of government that has afforded the citizens an opportunity to comment and provide unput in the Plan and the actions in the Plan; and

WHEREAS, the City of North Tonawanda have reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW THEREFORE, BE IT RESOLVED by the City of North Tonawanda Common Council that the City of North Tonawanda, NY adopts the 2022 Niagara County Hazard Mitigation Plan as this jurisdictions' Natural Mitigation Plan, and resolves to execute the actions in the Plan.

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

CARRIED.

I.4 Mayor

January 24, 2023

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

Re: Re-appointments & Appointment to Historic Preservation Commission

Dear Honorable Body,

Please be advised I will be re-appointing the following individuals to the Historic Preservation Commission for the following terms:

- 1. Kristin Derby, 98 Niagara St. North Tonawanda NY 14120 for a term of (4) four years effective January 1, 2023 and expiring December 31, 2026.**
- 2. Jay Soemann, 963 Sweeney St, North Tonawanda NY 14120 for a term of (4) four years effective January 1, 2023 and expiring December 31, 2026.**

In addition, I will be appointing the following individual to the Historic Preservation Commission for the following term:

- 1. Dennis Garland, 238 Tremont St., North Tonawanda NY 14120 for a term of (4) four years effective January 1, 2023 and expiring December 31, 2026. This appointment is replacing James Partsch, Jr.**

Thank you for your attention to this matter.

**Respectfully,
Austin Tylec
Mayor**

**MOVED by Alderman Marranca SECONDED by Alderman Loncar
That the Common Council hereby receives and files the reappointments of the following members to the Historic Preservation Commission:**

- 1. Kristin Derby, 98 Niagara St. North Tonawanda NY 14120 for a term of (4) four years effective January 1, 2023 and expiring December 31, 2026.**
- 2. Jay Soemann, 963 Sweeney St, North Tonawanda NY 14120 for a term of (4) four years effective January 1, 2023 and expiring December 31, 2026.**

Appointment of Dennis Garland, 238 Tremont St, North Tonawanda, NY to the Historic Preservation Commission for a term of (4) four years effective January 1, 2023 and expiring December 31, 2026.

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

Nays: None (0)

CARRIED.

III. Clerk-Treasurer

January 24, 2023

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

Dear Honorable Mayor and Common Council:

Attached you will find the Cash Statement of all accounts for the end of year 2022, to be received and filed.

Respectfully,
 Donna L. Braun
 City Clerk-Treasurer

MOVED by Alderman Lavey **SECONDED** by Alderman DiBernardo
 That the Common Council hereby receives and files the attached Cash Statement of all accounts for the end of year 2022.

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

Nays: None (0)

CARRIED

VII.1 Accountant

February 2, 2023

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 7th, 2023, 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 Marranca
 That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated February 7th, 2023, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$502,205.77
02	Water Fund	\$127,980.86
04	Sewer Fund	\$97,994.80
06	Capital Project Fund	\$15,053.10
07	Trust & Agency Fund	<u>\$1,504.16</u>
00	Final Total	<u>\$744,738.69</u>

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

Nays: None (0)

CARRIED.

vehicles are parked on both sides of the street it makes it difficult to get emergency vehicles down the road. The committee will monitor Linwood Avenue.

- 2) Member Brennan received a complaint from Don Martin via Mayor Tylec. Martin states that vehicles are going through the stop sign at Oliver Street at Stenzil Street. This intersection has been a problem in the past. Member Frank will have the Traffic Officer watch the intersection and have follow data for the committee.
- 3) Member DiBernardo received a complaint regarding the light at Oliver Street and Center Avenue. On weekends during church hours the light is supposed to be working to help the church patrons cross the street. The last couple of weeks the light has stayed on flash. Member Meisenburg checked on the light and found that the electric company has been doing work in the area and when they turn the power off it resets the light. The electric company informed Meisenburg that they will be done with their work next week. Meisenburg will reset the light to make sure it works properly in the future.
- 4) Member Ferguson informed the committee that the turn signal doesn't work on Tremont Street at Webster Street. Member Meisenburg will fix the light.
- 5) Committee members continued to monitor the traffic patterns at the intersection of Payne Avenue and Goundry Street. The flow of traffic has been getting better and there has not been an accident reported at this intersection in the last 5 months. The traffic officer will continue to monitor this intersection, and the speed sign will be utilized again starting this spring to collect data on the speeds of the vehicles.

The next Traffic Safety Committee meeting will be held on February 27th, 2023, at 1800 hours.

Travel safely,
Robert J. Frank

MOVED by Alderman Schmigel **SECONDED** by Alderman Lavey
That the Common Council hereby approves and receives and files the Traffic Safety minutes from their January meeting.

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

Nays: None (0)

CARRIED.

XIX. Building Inspector

January 16, 2023

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

Good morning,

An inaccuracy in our published code was brought to my attention. This section was supposed to be updated with the building permit fee adjustment that was adopted on 10/3/2016.

§25-3.2 Other fees related to building construction.

[Added 5-3-1994; amended 3-2-2005]

A.
Minimum permit fees shall be as follows:

(1)

Structural, such as buildings, additions, decks, in-ground pools and tanks: \$35.

(2)

Nonstructural, such as siding, reroof, vinyl replacement windows, and signs: \$20.

(3)

All permit fees will be based on contractor's quotes/contract prices, material receipt costs (doubled for inclusion of labor value) or on estimates and determined by the Building Inspector.

The Code with corrections,

§25-3.2 Other fees related to building construction.

All permits fees will be based on contractor's quotes/contract prices, material receipt costs (doubled for inclusion of labor value) or on estimates as determined by the Building Inspector.

Thank you for your attention in this matter.

Respectfully,
Robert C. DePaolo
Building Inspector

MOVED by Alderman Loncar SECONDED by Alderman Schmigel
That the Common Council at a regular session meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 PM on February 7th, 2023 approved the City Code change for Chapter 25 Section 3.2 Other Fees Related to Building Construction to read as follows:

§25-3.2 Other fees related to building construction.

All permits fees will be based on contractor's quotes/contract prices, material receipt costs (doubled for inclusion of labor value) or on estimates as determined by the Building Inspector.

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

Nays: None (0)

CARRIED.

XXV. Monthly Reports

.1 Police Department .2 Clerk-Treasurer

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

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

Nays: None (0)

CARRIED.

XXVI. Semi-Annual Vacation & Sick Leave Reports

.1 Clerk-Treasurer .2 Department of Public Works

MOVED by Alderman Loncar SECONDED by Alderman Marranca
That the Common Council hereby receives and files the aforementioned Semi-Annual Vacation & Sick Leave Reports.

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

Nays: None (0)

CARRIED.

XXVII. Annual Reports**.1 Police Department**

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

COMMUNICATIONS FROM OTHERS

A.
Donna Braun

January 16, 2023

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

I Donna L. Braun, 175 Lincoln Avenue, North Tonawanda, NY 14120 am requesting to be re-appointed as Commissioner of Deeds for the City of North Tonawanda.

Thank you,
Donna L. Braun

MOVED by Alderman Lavey SECONDED by Alderman Loncar
That the Common Council hereby grants approval for Donna L. Braun, 175 Lincoln Avenue, North Tonawanda, NY 14120 to be re-appointed as Commissioner of Deeds for the City of North Tonawanda effective March 22, 2023 and expiring March 21, 2025.
Ayes: Alderman Schmigel, Lavey, Loncar, Marranca, DiBernardo (5)
Nays: None (0)
CARRIED.

B.
Robert Schmigel

January 17, 2023

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

I Robert D. Schmigel, 137 5th Avenue, North Tonawanda, NY 14120 am requesting to be re-appointed as Commissioner of Deeds for the City of North Tonawanda.

Thank you,
Robert D. Schmigel

MOVED by Alderman DiBernardo SECONDED by Alderman Marranca
That the Common Council hereby grants approval for Robert D. Schmigel, 137 5th Avenue, North Tonawanda, NY 14120 to be re-appointed as Commissioner of Deeds for the City of North Tonawanda effective February 3, 2023 and expiring February 2, 2025.
Ayes: Alderman Schmigel, Lavey, Loncar, Marranca, DiBernardo (5)
Nays: None (0)

Darlene Bolsover, 1337 Sweeney St. - Thanked the City Engineer Travis Sikora for stepping up in the absence of Chelsea.

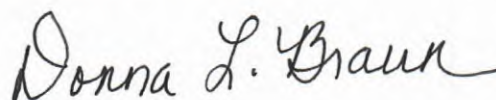
Joe Midura, 113 10th Avenue – Thanked the group from CHANT for the Smoke Free Media Resolution. Wanted to know the meeting nights of the Charter Review Committee, has not seen anything advertised also wanted to see their minutes.

ADJOURNMENT

MOVED by Alderman Lavey SECONDED by Alderman Schmigel
That this regular session of the Common Council be and hereby is adjourned.
CARRIED.

Time of Adjournment: 7:58 P.M.

Respectfully submitted,



Donna L. Braun
City Clerk-Treasurer

¹ Cooper M, Park-Lee E, Ren C, Cornelius M, Jamal A, Cullen KA. Notes from the Field: E-cigarette Use Among Middle and High School Students – United States, 2022. MmWR Morb Mortal Wkly Rep 2022;71:1283-1285. DOI: <http://dx.doi.org/10.15585/mmwr.mm7140a3>.

² Ibid.

³ Bennett M, Hair EC, Liu M, et al. "Exposure to tobacco content in episodic programs and tobacco and E-cigarette initiation." Preventive Medicine 2020;139:106169. As cited in Truth Initiative, While you were streaming: Nicotine on Demand, December 2021.

⁴ Preventing tobacco use among youth and young adults: a report of the Surgeon General. Washington, D.C.: Dept. of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2012.

⁵ Truth Initiative, While you were streaming: Nicotine on Demand, December 2021. Accessed January 11, 2023.

⁶ Ibid.

⁷ Ibid.

⁸ Bennett M, Hair EC, Liu M, et al. "Exposure to tobacco content in episodic programs and tobacco and E-cigarette initiation." Preventive Medicine 2020;139:106169. As cited in Truth Initiative, While you were streaming: Nicotine on Demand, December 2021.