



**Re: Agreement between City of North Tonawanda & Greenlight Networks**

Attached is an agreement between the City of North Tonawanda and Greenlight Networks regarding the installation of high-speed fiber internet within our municipality.

The attached documents provide terms for insurance coverage, the permit process, and an agreement to provide 5-years of free internet coverage for two of our municipal properties.

The agreement has been reviewed by City Attorney Mr. Zebulske, and the city is excited to be working with Greenlight Networks in providing the first fiber internet option for our residents & businesses.

If there are any questions, please do not hesitate to reach out.

Respectfully,  
Austin Tylec  
Mayor

**MOVED** by Alderman DiBernardo      **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 April 4<sup>th</sup>, 2023 approved the attached Agreement between City of North Tonawanda & Greenlight Networks for the installation of high-speed fiber internet services for the City of North Tonawanda.

Ayes: Alderman Schmigel, Marranca, DiBernardo (3)

Nays: None (0)

**CARRIED.**

**II. Attorney**

March 24, 2023

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

**Re: Proposed Revision of City of North Tonawanda Request for Public Records Form and Fee Schedule Under the Freedom of Information Act**

Dear Honorable Body:

Please be advised that due to the increased volume and complexity of the FOIL requests coming into the City of North Tonawanda for response, a thorough review has been undertaken by the city attorney, city clerk, and the police department to update and streamline our process for handling these requests. As part of the review, information was gathered from neighboring municipalities to study how they are processing these requests. As a result, we have updated our FOIL request form to reflect current state laws, and have updated our schedule of fees, as attached.

Should your Honorable Body agree, please pass a resolution to allow for the revision of our form and fee schedule as attached, subject to any further review by the City Attorney.

Should your Honorable Body need more information, please do not hesitate to contact me.

Very truly yours,  
Edward A. Zebulske, III  
City Attorney

**MOVED** by Alderman Schmigel      **SECONDED** by Alderman DiBernardo  
That the Common Council hereby tables the revised Request for Public Records Form (FOIL) and fee schedule for further review.

Ayes: Alderman Schmigel, Marranca, DiBernardo (3)

Nays: None  
CARRIED.

(0)

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**III. Clerk-Treasurer**

March 24, 2023

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

**Re: Volunteer Fire Companies Fundraising 2023**

**Dear Honorable Body:**

As you have been made aware by the North Tonawanda Fire Chief, and in accordance with the NYS Comptroller's Office; all (6) North Tonawanda Volunteer Fire Companies are required to provide the City with a list of all fundraising activities on an annual basis.

In accordance with these regulations, I have reviewed the correspondence that I have received with the Fire Chief and have found them to be in order and in proper form.

I respectfully request that your Honorable Body vote in the affirmative to grant Live Hose #4, Columbia Hook & Ladder #1, Gratwick Hose Co. #6, Sweeney Hose Co. #7, Rescue Co. #5, and Active Hose Co. #1 permission to run their respective fundraisers for 2023.

I thank you in advance for your anticipated cooperation.

Sincerely,  
Donna L. Braun  
City Clerk-Treasurer

**MOVED** by Alderman Schmigel      **SECONDED** by Alderman Marranta  
That the Common Council hereby receives and files the attached North Tonawanda Volunteer Fire Companies Fundraising schedules for 2023.

Ayes: Alderman Schmigel, Marranta, DiBernardo

(3)

Nays: None

(0)

CARRIED.

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**IV.1 Engineer**

March 27, 2023

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

**Re: Bike Path Extension to Empire State Trail  
C&S Agreement Amendment No.3  
Additional Construction Inspection Services**

**Honorable Body:**

Due to construction delays on the Bike Path Extension to the Empire State Trail Project, an additional 2 weeks of onsite inspection was needed from our design consultant C&S Companies. This additional cost will be drawn from the existing grants the City has to fund this project.

I therefore recommend, that the Common Council authorize the Mayor to sign the enclosed supplemental agreement to amend the current contract to include the additional construction inspection needed with C&S companies, 141 Elm Street, Suite 100, Buffalo, NY 14203; in the amount of \$9,500; subject to review by the City Attorney.

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

**MOVED** by Alderman Schmigel                      **SECONDED** by Alderman Marranca  
That the Common Council hereby approves Amendment No. 3 for additional construction inspection services with C&S companies, 141 Elm Street, Suite 100, Buffalo, NY 14203; in the amount of \$9,500, for the Bike Path Extension to Empire State Trail, and authorizes the Mayor to sign the enclosed supplemental agreement.

Ayes: Alderman Schmigel, Marranca, DiBernardo (3)

Nays: None (0)

**CARRIED.**

#### IV.2 Engineer

March 29, 2023

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

**Re: Bike Path Extension to Empire State Trail  
City of North Tonawanda, Niagara County  
PIN 5763.51  
Project No. 2019-03, Final Project Acceptance**

Honorable Body:

Approval of Change Order No. 1, the project balancing change order, and final acceptance of the PIN 5763.51 Bike Path Connection to the Empire State Trail Project is hereby requested. The change order is a deduct change order. Attached is the change order showing the balancing of unit price quantities at the end of the project.

According, I respectfully request that the Common Council approve the deduct Change Order No. 1 for the Bike Path Connection to the Empire State Trail Project in the amount of \$30,112.13 with 4<sup>th</sup> Generation Construction, Inc., 5650 Simmons Avenue, Niagara Falls, New York 14304; decreasing the contract amount from \$535,111.00; to the final contract amount of \$504,998.87; authorizing the Mayor to sign said change order. Further, that the Common Council accept this project as complete and approve the final payment subject to review by the City Attorney.

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

**MOVED** by Alderman Marranca                      **SECONDED** by Alderman DiBernardo  
That the Common Council hereby approves the deduct Change Order No. 1 for the Bike Path Connection to the Empire State Trail Project in the amount of \$30,112.13 with 4<sup>th</sup> Generation Construction, Inc., 5650 Simmons Avenue, Niagara Falls, New York 14304; decreasing the contract amount from \$535,111.00; to the final contract amount of \$504,998.87; and authorizes the Mayor to sign said change order. Council also accepts this project as complete and approves the final payment.

Ayes: Alderman Schmigel, Marranca, DiBernardo (3)

Nays: None (0)

**CARRIED.**



Warm regards,  
 Jeffrey R. Zellner  
 City Accountant

**MOVED by Alderman DiBernardo      SECONDED by Alderman Marranca**  
**That the Common Council hereby authorizes for payment the current Abstract of Claims**  
**for Common Council Audit dated April 4<sup>th</sup>, 2023, and further authorizes the Mayor and**  
**City Clerk-Treasurer to respectively sign and countersign said Warrant:**

01	General Fund	\$273,888.48
02	Water Fund	\$38,273.57
04	Sewer Fund	\$93,997.76
06	Capital Project Fund	\$295.00
07	Trust & Agency Fund	\$520.00
00	Final Total	<u>\$406,974.81</u>

**Ayes: Alderman Schmigel, Marranca, DiBernardo** (3)

**Nays: None** (0)

**CARRIED.**

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## XVII. Traffic Safety

March 20, 2023

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

### Traffic Safety Minutes:

The March 2023 meeting of the North Tonawanda Traffic Safety Committee was called to order at 1800 hours. Roll call showed the following members present: R. Frank, J. Sikora, M. Meisenburg, D. Grinnell, N. Ferguson. The minutes from the previous meeting were read and accepted, the following new concerns/requests were discussed, and recommendations made.

- 1) Joyce Santiago (Mayor's Office) received a complaint about children crossing the street in front of Matt's Music on Oliver Street. The committee has worked with the owner of Matt's Music (Kathy Carr) for the last several years to make the front of her business as safe as possible. There have been several things changed and added which include crosswalks, no parking signs, brighter crosswalk signs and a caution sign in the middle of the road. The committee also came up with ideas of a traffic light at the intersection of Oliver Street and 15<sup>th</sup> Avenue, blinking lights on each side of the street at the crosswalk, and placing the pickoff/drop-off spot on 15<sup>th</sup> Avenue. These ideas were denied for different reasons which are in prior Traffic Safety minutes. The committee also believes that the parents of the children that go to Matt's Music need to share some responsibility and make sure that their child walks across the street safely. The committee is open to other traffic safety ideas in front of the business.
- 2) Pete Fiala requested a stop sign at the corner of 12<sup>th</sup> Avenue and Gilmore Avenue. There was a traffic study done of this intersection in May of 2021 which showed that the intersection did not need a stop sign. The committee started to monitor this intersection again and will continue to gather data on the intersection over the next month. This request will be discussed further in next months traffic meeting after the committee gathers more information.
- 3) A request came in from an unknown citizen to remove the stop sign at Vanderbilt Avenue and Tanglewood Drive. The committee has no other information to why

this citizen would like this stop sign taken down. At this time, we believe it is in the best interest of the neighborhood to leave the stop sign up with the North Tonawanda Intermediate school down the street. The committee will monitor this intersection with the traffic officer.

- 4) In the February Traffic Safety meeting it was requested that "No Parking" signs be placed on the north end of Sweeney Street between Webster Street and Manhattan Street. These signs were requested by Fire Chief Sikora and DPW Supervisor Zellner as neither department could get their larger trucks down Sweeney Street safely. This is due to the new bike/walking path delineators that were installed. This request was granted through the common council. Member Meisenburg will install the new "No Parking" signs.
- 5) Member Meisenburg informed the committee that the new cameras are working well at the intersections of Nash Rd./Walck Rd., Erie Ave./Zimmerman Street.
- 6) Member Ferguson advised the committee that he found some North Tonawanda city codes in section 96 that are no longer relevant and asked that we look at them and possibly remove them from the section. These codes will be forwarded to the Mayors Office and Common Council to look at.

The next Traffic Safety Committee meeting will be held on April 17, 2023, at 1800 hours.

Travel safely,  
Robert J. Frank

**MOVED** by Alderman DiBernardo      **SECONDED** by Alderman Marranta  
That the Common Council hereby approves of Traffic Safety recommendation #6 and receives and files the Traffic Safety minutes from their March meeting.

Ayes: Alderman Schmigel, Marranta, DiBernardo (3)

Nays: None (0)

**CARRIED.**

## XXV. Monthly Reports

### .1 Police Department

**MOVED** by Alderman Marranta      **SECONDED** by Alderman Schmigel  
That the Common Council hereby receives and files the aforementioned Monthly Report.

Ayes: Alderman Schmigel, Marranta, DiBernardo (3)

Nays: None (0)

**CARRIED.**

## COMMUNICATIONS FROM OTHERS

### A.

Live Hose Co. #4

March 16, 2023

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

Re: Volunteer Firefighter Exemptions

Dear Mayor and Council:

The Live Hose Volunteer Fire Company No.4 Inc., respectfully request 50-year exemptions be granted to the following members:

George D. Maziarz	Joined Live Hose – February 7, 1972
Fred Ammerman	Joined Live Hose – July 2, 1972
Edward Ammerman	Joined Live Hose – December 4, 1972

Sincerely,  
David C. Maziarz  
President

MOVED by Alderman DiBernardo      SECONDED by Alderman Schmigel  
That the Common Council hereby grants Exemption Petitions for 50 Years of service for the following Volunteers:

George D. Maziarz	Joined Live Hose – February 7, 1972
Fred Ammerman	Joined Live Hose – July 2, 1972
Edward Ammerman	Joined Live Hose – December 4, 1972

Ayes: Alderman Schmigel, Marranca, DiBernardo      (3)  
Nays: None      (0)  
CARRIED.

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B.  
Niagara County Office of the Youth

March 28, 2023

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

Dear North Tonawanda City Council,

Last year, we had an amazing turnout at Gratwick Riverside Park for our annual Kidz "N" Kites event. This year we would be honored to return the program to this beautiful location for our monumental 25<sup>th</sup> Annual event.

Our kite flying festival is sponsored by the Niagara County Department of Social Services, in conjunction with the Niagara County Youth Bureau and various youth serving agencies.

This program brings together children and their families, providing the first 500 children in attendance with a FREE t-shirt, hot dog lunch, kite and giveaways. In order to provide this event free of charge to participants, we look to the business community for assistance in obtaining prizes to be awarded to the youth participating.

We are hopeful that North Tonawanda would consider being a partner for this year's event and waive permit fees for the shelters at Gratwick Riverside Park. Please contact (716) 278-6872 or email [Benjamin.Bunker@niagaracounty.com](mailto:Benjamin.Bunker@niagaracounty.com) for any questions or sponsorship opportunities. Thank you for your consideration.

Sincerely,  
Benjamin Bunker  
Youth Bureau Director

MOVED by Alderman Schmigel      SECONDED by Alderman Marranca  
That the Common Council hereby grants permission for the Niagara County Youth Bureau to host their 25<sup>th</sup> Annual Kidz 'N' Kites at a date and time to be announced at a later time, at Gratwick Riverside Park and also waives the permit fees for said event.

Ayes: Alderman Schmigel, Marranca, DiBernardo  
 Nays: None  
 CARRIED.

(3)  
 (0)

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C.  
 In Good Company Productions

March 28, 2023

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

Dear North Tonawanda City Council,

We are writing to you to request use of the Raymond Klimek Veterans Park Bandshell for our 2023 Summer Shows again this year. We tried our new format last year at the park and it was extremely successful and surpassed our expectations.

In Good Company Productions is a free children's community theater group. We charge nothing to participants, families, or audience members. We are a 501C Non-profit. In Good company is an all-inclusive theater group. We never turn away any children. We are proud to accept participants of all ages and abilities.

Started in 2004, we have produced summer shows every year – Except during the pandemic. Last summer we changed the format to week long day time rehearsal schedule with 3 performances the following week. We would love to use Raymond Klimek Veterans Park again this year.

We are requesting use of the Park and Stage from 9am-3pm Monday July 24-Friday July 28, 2023 for rehearsals. Followed by 3 performances on the Bandshell Stage at 7pm on Monday July 31, Tuesday August 1, and Wednesday August 2. We would need power from 6pm -9pm for show nights only.

We operate on an All Volunteer basis and keep our theater group going by fundraising as needed. We are asking for any fees that would normally be charged can be waived for our project this summer.

If approved, we will be happy to send you a certificate of liability listing the City of North Tonawanda as additional insured.

Thank you for your consideration and we look forward to hearing from you. If you need any additional information please contact Melissa Durfey at 716-408-7678 or [ingoodcompanyproductions@yahoo.com](mailto:ingoodcompanyproductions@yahoo.com)

Melissa Durfey  
 President  
 In Good Company Productions

MOVED by Alderman Schmigel      SECONDED by Alderman Marranca  
 That the Common Council hereby approves of waiving the pavilion fee at Raymond Klimek Veteran's Park to In Good Company Productions, on July 24-28 and July 31<sup>st</sup> and August 1<sup>st</sup> and 2<sup>nd</sup>, 2023 from 9am to 3pm for their daytime rehearsals and evening performances and 6pm to 9pm for show nights.

Ayes: Alderman Schmigel, Marranca, DiBernardo  
 Nays: None  
 CARRIED.

(3)  
 (0)

**D.**  
**Waterfront Commission**

**March 14, 2023**

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

**Dear Honorable Body,**

The City of North Tonawanda Waterfront Commission is proposing the attached updates to the groups bylaws, which add specificity on the Commissions' purpose, structure, and meeting details. We request that the Council review and if the language is acceptable, approve the updates. The Commission will vote on them once we have received your approval. Please don't hesitate to reach out with any questions or comments. Thank you.

**Sincerely,**  
**Emily Root**  
**Waterfront Commission Member**

**MOVED by Alderman Marranta      SECONDED by Alderman Schmigel**  
**That the Common Council hereby approves and receives and files the attached bylaws for**  
**the Waterfront Commission.**

**Ayes: Alderman Schmigel, Marranta, DiBernardo      (3)**

**Nays: None      (0)**

**CARRIED.**

**AUDIENCE PARTICIPATION**

**Shawn Nickerson – Thanked the Council for having the Scouts at the meeting.**

**ADJOURNMENT**

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

**CARRIED.**

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

**Respectfully submitted,**

*Donna L. Braun*

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