

**THE HONORABLE BODY**  
**Council Chambers**  
**Municipal Building**  
**North Tonawanda, New York 14120**  
**Wednesday, July 5, 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**

---

**AUDIENCE PARTICIPATION - None**

---

**APPROVAL OF THE MINUTES OF THE REGULAR SESSION JUNE 20, 2023**

**MOVED by Alderman Marranta      **SECONDED by Alderman Loncar****  
**That the minutes of the regular session held June 20, 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.**

---

**COMMUNICATIONS FROM CITY OFFICIALS**

**I.1 Mayor**

**June 27, 2023**

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

**Re: Appointment of Police Chief**

**Dear Honorable Body,**

**Please receive and file the following notice that the Civil Service Certified Eligible list has been received for the North Tonawanda Police Chief position. Keith Glass currently holds the position on a provisional basis and has successfully passed the Police Chief exam. Therefore, I am permanently appointing Keith Glass as Police Chief effective July 1, 2023.**

**Thank you for your attention and Congratulations to Chief Glass!**



Respectfully,  
Austin Tylec  
Mayor

**MOVED** by Alderman Lavey                      **SECONDED** by Alderman Schmigel  
That the Common Council hereby receives and files the appointment of Keith Glass as Police Chief for the City of North Tonawanda effective July 1, 2023.

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

Nays: None (0)

**CARRIED.**

**I.2 Mayor**

June 29, 2023

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

**Re: Temporary Assignment – Adam Abramo**

Dear Honorable Body,

Please be advised our Building Maintenance Supervisor, John Divirgilio, has retired with his last day on June 28, 2023. Adam Abramo will be temporarily assigned out of title work duties as Building Maintenance Supervisor effective June 29, 2023 until a permanent appointment is made. Mr. Abramo will receive Step 1 compensation per section "6.2 Assignments" of the CSEA Bargaining Agreement.

Thank you for your attention to this matter.

Respectfully,  
Austin Tylec  
Mayor

**MOVED** by Alderman Schmigel                      **SECONDED** by Alderman Marranca  
That the Common Council hereby receives and files the temporary appointment of Adam Abram as Building Maintenance Supervisor effective June 29, 2023.

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

Nays: None (0)

**CARRIED.**

**I.3 Mayor**

June 28, 2023

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

**Re: School Resource Officer Agreement**

Dear Honorable Body,

Upon successful discussions with the North Tonawanda City School District, Police Chief Glass and I were able to secure a four-year contract to provide four School Resource Officers. The proposed amount to be paid for the 2024-2025 school year is \$110,000 per SRO and \$125,400 per SRO for 2025-2026, 2026-2027 and 2027-2028.



Please reference the attached School resource Officer Agreement. This agreement will be a critical part of keeping our NT students and faculty safe.

Thank you for your attention to this matter.

Respectfully,  
Austin Tylec  
Mayor

MOVED by Alderman Lavey

SECONDED by Alderman Loncar

That the Common Council hereby approves the attached agreement between the North Tonawanda School District and the City of North Tonawanda to provide the School with Resource Officers for (4) four years, with an Amendment to eliminate Section 8c of said contract.

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

Nays: None (0)

CARRIED.

## II. Attorney

June 19, 2023

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

Re: Abandoned Alley between Main Street & Marion Street

Dear Honorable Body:

As you may know the City of North Tonawanda has proposed abandoning the above referenced alleyway to the adjacent property owners. After contacting them in writing, the following adjacent property owners have agreed to the property split (approximately 8.25 ft. each): Sunshine 5449 Holdings, LLC, Tremont-Brick Company, and Verizon NY, Inc.

Should your Honorable Body concur, please pass a resolution to move forward/facilitate the alleyway split to the adjacent property owners, subject to further review by the City Attorney.

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

MOVED by Alderman Lavey

SECONDED by Alderman Schmigel

That the Common Council hereby grants approval to abandon the alley between Main Street & Marion Street and to split approximately 8.25 feet each to Sunshine 5449 Holdings, LLC, Tremont-Brick Company, and Verizon NY, Inc.

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

Nays: None (0)

CARRIED.

## VII.1 Accountant

June 29, 2023

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



**Dear Honorable Body:**

**In accordance with the City of North Tonawanda 2023 Capital Improvement Plan, please find a serial bond resolution in aggregate amount of \$24,855,000 from our Bond Counsel, Harris Beach, LLP.**

**Accordingly, please have this resolution adopted by at least a two-thirds vote of the body and have it published in the official newspaper of the City, together with the legal notice of estoppel.**

**This resolution is for the Wastewater treatment plant to obtain WIIA grants for Carbon Piping, along with Digester rehabilitation. This resolution also includes the total for the Twin City Memorial Highway feasibility grant from the Federal Government.**

**Warm regards,  
Jeffrey Zellner  
City Accountant**

**MOVED by Alderman Lavey                      SECONDED by Alderman Schmigel  
At a Regular Session meeting of the Common Council of the City of North Tonawanda, in the County of Niagara, New York, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 PM on July 5<sup>th</sup>, 2023.**

**PRESENT:    Frank DiBernardo, 2<sup>nd</sup> Ward Alderman, President  
                Robert Schmigel, 1<sup>st</sup> Ward Alderman  
                Joseph Lavey, 3<sup>rd</sup> Ward Alderman  
                Joe Loncar, Alderman-at-Large  
                Joseph Marranta III, Alderman-at-Large**

**ABSENT:    None**

**The following resolution was offered by Alderman Lavey who Moved its adoption, Seconded by Alderman Schmigel ; to-wit:**

**BOND RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK (THE "CITY") AUTHORIZING THE ISSUANCE OF \$24,855,000 IN SERIAL BONDS OF THE CITY TO FINANCE VARIOUS PUBLIC IMPROVEMENTS**

**WHEREAS,** the Common Council of the City of North Tonawanda (the "City") proposes to authorize the issuance of \$24,855,000 in serial bonds of the City to finance various public improvements and purposes, as described herein, appropriate funds for such purposes and to make certain determinations in connection with such purposes; and

**WHEREAS,** all conditions precedent to the financing of each of the objects or purposes hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act (collectively, "SEQRA"), have been performed and therefore no further action need be taken by the Common Council under SEQRA as a pre-condition to the adoption of this resolution; and

**WHEREAS,** the Common Council now wishes to appropriate funds for the various public improvements and purposes and to authorize the issuance of the City's bonds and bond anticipation notes to be issued to finance said appropriation.

**NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK HEREBY RESOLVES** (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

**SECTION 1.** The City is hereby authorized to issue \$4,830,000 principal amount of serial bonds pursuant to the provisions of the Local Finance Law (the "Law") to finance the estimated cost of certain improvements to the City's Wastewater Treatment Plant, specifically at the Carbon Filter Building, as set forth and described in a certain engineering report titled "North



Tonawanda WWTP Process Piping Assessment” as prepared by Arcadis of New York, Inc., dated June 2023 and on file with the City Clerk’s office. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$4,830,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$4,830,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, (ii) the application of State and local grant monies expected to be received by the City to either directly pay or reimburse a portion of the cost of the project and/or to repay a portion of any such bond anticipation notes issued under the authority of this resolution, and (iii) the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is thirty (30) years, pursuant to subdivision 4. of paragraph a. of Section 11.00 of the Law.

**SECTION 2.** The City is hereby authorized to issue \$19,400,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of certain improvements to the City’s Wastewater Treatment Plant, specifically the northwest primary digester, as set forth and described in a certain engineering report titled “North Tonawanda WWTP Sludge Handling Process Plan” as prepared by Arcadis of New York, Inc., dated June 2023 and on file with the City Clerk’s office. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$19,400,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$19,400,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, (ii) the application of State and local grant monies expected to be received by the City to either directly pay or reimburse a portion of the cost of the project and/or to repay a portion of any such bond anticipation notes issued under the authority of this resolution, and (iii) the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is thirty (30) years, pursuant to subdivision 4. of paragraph a. of Section 11.00 of the Law.

**SECTION 3.** The City is hereby authorized to issue \$625,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of conducting a feasibility study for the Twin City Memorial Highway Project. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$625,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$625,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, (ii) the application of federal grant monies expected to be received by the City to either directly pay or reimburse a portion of the cost of the project and/or to repay a portion of any such bond anticipation notes issued under the authority of this resolution, and (iii) the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is five (5) years, pursuant to subdivision 62. of paragraph a. of Section 11.00 of the Law.

**SECTION 4.** The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. This resolution shall constitute a declaration of “official intent” to reimburse the expenditures as part of the projects described herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

**SECTION 5.** Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the City, payable as to both principal and interest by a general tax upon all the real property within the City without legal or constitutional limitation as to rate or amount. The faith and credit of the City are hereby



irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

**SECTION 6.** Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations, and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00, Section 62.10 and Section 63.00 of the Law, the powers and duties of the Common Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the City Clerk-Treasurer, the chief fiscal officer of the City. Further, in connection with bonds and bond anticipation notes issued under the authority of Sections 1 and 2 hereof, the power to contract with and sell bonds and bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law and to approve the terms, form and content of such bonds and bond anticipation notes, consistent with the provisions of the Law, is hereby delegated to the City Clerk-Treasurer. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for any of the objects or purposes authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more other objects or purposes authorized by this resolution or other resolutions of the Common Council, then the power of the Common Council to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the City Clerk-Treasurer, as the chief fiscal officer of the City.

**SECTION 7.** The City Clerk-Treasurer is hereby further authorized to execute, on behalf of the City, a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific objects or purposes described in Sections 1 and 2 hereof, or a portion thereof, by a serial bond, and, or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

**SECTION 8.** The City Clerk-Treasurer is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for Federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

**SECTION 9.** The City Clerk-Treasurer is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchaser of any of the bonds or notes authorized by this resolution in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

**SECTION 10.** The intent of this resolution is to give the City Clerk-Treasurer sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Common Council.

**SECTION 11.** The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or



(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the constitution.

**SECTION 12.** This resolution shall take effect immediately upon approval by the Mayor and the City Clerk-Treasurer is hereby authorized and directed to publish the foregoing resolution in full, or a summary thereof, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the City (a) for such publication, and (b) for the publication of the notice of sale in connection with any bonds issued pursuant to this resolution.

**The following vote was taken and recorded in the public or open session of said meeting:**

**AYES: Alderman Schmigel, Lavey, Loncar, Marranca, DiBernardo (5)**  
**NAYS: None (0)**

**This resolution shall take effect immediately.**

**STATE OF NEW YORK )**  
**COUNTY OF NIAGARA ) ss:**

I, the undersigned City Clerk-Treasurer of the City of North Tonawanda, Niagara County, New York (the "City"), DO HEREBY CERTIFY as follows:

1. I am the duly qualified and acting City Clerk-Treasurer of the City and the custodian of the records of the City, including the minutes of the proceedings of the Common Council of the City, and am duly authorized to execute this certificate.

2. A regular meeting of the Common Council of the City (the "Common Council") was held on July 5, 2023, Minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with the law for the purpose of recording the minutes of meetings of said Common Council. Attached hereto is a true and correct copy of a resolution duly adopted at said meeting and entitled:

**BOND RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK (THE "CITY") AUTHORIZING THE ISSUANCE OF \$24,855,000 IN SERIAL BONDS OF THE CITY TO FINANCE VARIOUS PUBLIC IMPROVEMENTS**

3. Public Notice of the time and place of said meeting was duly posted and duly given to the public and the news media in accordance with the Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, and that all members of said Board had due notice of said meeting. The meeting was duly convened and held and that said Bond Resolution was duly adopted in all respects in accordance with the law and regulations of the City. To the extent required by law or said regulations, due and proper notice of the meeting was given. A legal quorum of members of the Common Council was present throughout said meeting, and a legally sufficient number of members (2/3's of the Common Council) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under the law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including the publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

4. Following the adoption of said resolution, it was duly approved [or was deemed to have been approved] by the Mayor of the City on July 5<sup>th</sup>, 2023, in accordance with the requirements of Section 2.023 of the City's Charter and said resolution became effective upon such approval.



5. The seal appearing below constitutes the official seal of the City and was duly affixed by the undersigned at the time this certificate was signed.

**IN WITNESS WHEREOF**, I have hereunto set my hand and have hereunto affixed the corporate seal of the City of North Tonawanda this 5<sup>th</sup> day of July, 2023.

**CITY OF NORTH TONAWANDA**

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

**ESTOPPEL NOTICE**

The resolution, a summary of which is published herewith, has been adopted by the Common Council of the City of North Tonawanda on July 5, 2023, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the City of North Tonawanda, Niagara County, New York is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

Donna Braun, City Clerk-Treasurer  
City of North Tonawanda

**SUMMARY OF BOND RESOLUTION**

Set forth below is a summary of said resolution adopted by the Common Council of the City of North Tonawanda on July 5, 2023.

1. The resolution is entitled "BOND RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK (THE "CITY") AUTHORIZING THE ISSUANCE OF \$24,855,000 IN SERIAL BONDS OF THE CITY TO FINANCE VARIOUS PUBLIC IMPROVEMENTS" and authorized serial bonds of the City for the following respective specific objects or purposes, including all the respective principal amounts, and the respective periods of probable usefulness ("PPU"), as indicated below:

(1) Bonds in the principal amount of \$4,830,000 to finance the estimated cost of certain improvements to the City's Wastewater Treatment Plant, specifically at the Carbon Filter Building, as set forth and described in a certain engineering report titled "North Tonawanda WWTP Process Piping Assessment" as prepared by Arcadis of New York, Inc., dated June 2023; PPU of 30 years;

(2) Bonds in the principal amount of \$19,400,000 to finance the estimated cost of certain improvements to the City's Wastewater Treatment Plant, specifically the northwest primary digester, as set forth and described in a certain engineering report titled "North Tonawanda WWTP Sludge Handling Process Plan" as prepared by Arcadis of New York, Inc., dated June 2023; PPU of 30 years; and

(3) Bonds in the principal amount of \$625,000 to finance the estimated cost of conducting a feasibility study for the Twin City Highway Memorial Highway Project; PPU of 5 years.

2. Aggregate amount of Debt Obligations Authorized: up to \$24,880,000.

The resolution summarized herein shall be available for public inspection during normal business hours at the offices of the City Clerk-Treasurer, City of North Tonawanda, City Hall, 216 Payne Avenue, North Tonawanda, New York 14120.

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



**CARRIED.**

---

**IV.1 Engineer**

**June 20, 2023**

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

**Re: City of North Tonawanda Wastewater Treatment Plant – Process Piping  
SEQR Review – Type II Action**

**Dear Honorable Body:**

**As City Engineer, I have determined that this project is a Type II action under section 617.5 of the New York State Department of Environmental Conservation Rules and Regulations for State Environmental Quality Review (SEQR). 6 CRR-NY 617.5 (c)(2) states:**

*“replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part.”*

**As this is a replacement of the existing process piping within the WWTP no further SEQR review is required. Accordingly, I respectfully request that the Common Council pass the attached resolution indicating that no further action under SEQR is required.**

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

**MOVED by Alderman Schmigel                      SECONDED by Alderman Marranca  
That the Common Council at a regular session meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 p.m. on July 5<sup>th</sup>, 2023 approves the Resolution - SEQR Wastewater Treatment Plant – Process Piping and it reads as follows:**

**RESOLUITON -SEQR  
Wastewater Treatment Plant – Process Piping**

**WHEREAS**, in compliance with Part 617 of the implementing regulations pertaining to Article 9 (State Environmental Quality Review Act (SEQR)) of the Environmental Conservation Law, the North Tonawanda City Common Council has reviewed the Process Piping Replacement, proposed for the Wastewater Treatment Plant in the City of North Tonawanda; and

**WHEREAS**, the City Common Council of the City of North Tonawanda has classified the action as a Type II Exempt Action, comprising the maintenance and repair and involving no substantial changes to the existing facility, which are not subject to SEQR review; and

**WHEREAS**, The City of North Tonawanda has determined that the proposed project. Which is a Type II action, will not have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, Article 8.

**THEREFORE, BE RESOLVED**, that the City Common Council of the City of North Tonawanda after considering the action proposed herein, reviewing the criteria contained in Section 617.5 part c2 of the Rules and Regulations of the SEQR Regulations, determined that the action is a Type II action and is not subject to SEQR review; and

**BE IT FURTHER RESOLVED**, that the Mayor is hereby authorized and directed to sign required documentation indicating that the proposed action is a Type II Action.



Ayes: Alderman Schmigel, Lavey, Loncar, Marranca, DiBernardo  
 Nays: None  
**CARRIED.**

(5)  
 (0)

---

**IV.2 Engineer**

**June 20, 2023**

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

**Re: City of North Tonawanda Wastewater Treatment Plant – Sludge Handling  
 Process Plan SEQR Review – Type II Action**

**Dear Honorable Body:**

As City Engineer, I have determined that this project is a Type II action under section 617.5 of the New York State Department of Environmental Conservation Rules and Regulations for State Environmental Quality Review (SEQR). 6 CRR-NY 617.5 (c)(2) states:

*“replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part.”*

As this is a rehabilitation of the existing digesters at the WWTP no further SEQR review is required. Accordingly, I respectfully request that the Common Council pass the attached resolution indicating that no further action under SEQR is required.

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

**MOVED** by Alderman Schmigel      **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 p.m. on July 5<sup>th</sup>, 2023 approves the Resolution - SEQR Wastewater Treatment Plant – Sludge Handling Process Plan and it reads as follows:**

**RESOLUITON -SEQR**  
**Wastewater Treatment Plant – Sludge Handling Process Plan**

**WHEREAS**, in compliance with Part 617 of the implementing regulations pertaining to Article 9 (State Environmental Quality Review Act (SEQR)) of the Environmental Conservation Law, the North Tonawanda City Common Council has reviewed the Sludge Handling Process Plan, proposed for the Wastewater Treatment Plant in the City of North Tonawanda; and

**WHEREAS**, the City Common Council of the City of North Tonawanda has classified the action as a Type II Exempt Action, comprising the maintenance and repair and involving no substantial changes to the existing facility, which are not subject to SEQR review; and

**WHEREAS**, The City of North Tonawanda has determined that the proposed project. Which is a Type II action, will not have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, Article 8.

**THEREFORE, BE RESOLVED**, that the City Common Council of the City of North Tonawanda after considering the action proposed herein, reviewing the criteria contained in



Section 617.5 part c2 of the Rules and Regulations of the SEQR Regulations, determined that the action is a Type II action and is not subject to SEQR review; and

**BE IT FURTHER RESOLVED**, that the Mayor is hereby authorized and directed to sign required documentation indicating that the proposed action is a Type II Action.

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

**VII.2 Accountant**

**June 29, 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 July 5<sup>th</sup>, 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 Marranca      SECONDED by Alderman Loncar  
 That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated July 5<sup>th</sup>, 2023, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:**

<b>01</b>	<b>General Fund</b>	<b>\$237,077.17</b>
<b>02</b>	<b>Water Fund</b>	<b>\$106,368.05</b>
<b>04</b>	<b>Sewer Fund</b>	<b>\$23,648.12</b>
<b>06</b>	<b>Capital Project Fund</b>	<b>\$292,998.22</b>
<b>07</b>	<b>Trust &amp; Agency Fund</b>	<b><u>\$16,385.09</u></b>
<b>00</b>	<b>Final Total</b>	<b><u>\$676,476.65</u></b>

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

**VII.3 Accountant**

**June 22, 2023**

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

**Dear Honorable Body:**



Please review and approve the 1.1.2024- 12.31.2024 wage schedule as presented.

Warm regards,  
Jeffrey Zellner  
City Accountant

**MOVED** by Alderman Lavey                      **SECONDED** by Alderman Schmigel  
That the Common Council hereby approves the following Seasonal & Part-time wage  
Schedule effective January 1, 2024 – December 31, 2024:

**For part-time employees, working limited hours, one season of the year:**

<u>POSITION</u>	<u>1/1/2020 - 12/31/2020</u>	<u>1/1/2021 - 12/31/2021</u>	<u>1/1/2022 - 12/31/2022</u>	<u>1/1/2023 12/31/2023</u>	<u>1/1/2024 12/31/2024</u>
Laborer	\$11.80	\$12.50	\$13.20	\$15.00	\$15.00
Crossing Guard	11.80	12.50	13.20	15.00	15.00
Lifeguard	\$12.30	\$13.00	\$13.70	\$15.50	\$15.50
Sanitation Laborer	13.30	14.00	14.70	16.55	16.55
Leader	\$12.20	\$12.80	\$13.50	\$15.30	\$15.30
Head Crossing Guard	12.20	12.80	13.50	15.30	15.30
Chief Lifeguard	12.70	13.30	14.00	16.55	16.55
Program Supervisor	\$12.95	\$13.55	\$14.25	\$16.05	\$16.05
Pool Supervisor	13.45	14.05	14.75	16.55	16.55
Harbor Supervisor	13.45	14.05	14.75	16.55	16.55
Golf Course Supervisor	16.50	17.25	17.50	18.50	18.50

**For part time employees, working limited hours, all year:**

<u>POSITION</u>	<u>1/1/2020 - 12/31/2020</u>	<u>1/1/2021- 12/31/2021</u>	<u>1/1/2022 - 12/31/2022</u>	<u>1/1/2023 12/31/2023</u>	<u>1/1/2024 12/31/2024</u>
Clerk (part-time)	\$11.80	\$12.50	\$13.20	\$15.00	\$15.00
Engineering Technician	11.80	12.50	13.20	15.00	15.00
Work Program Crew Leader	11.80	12.50	13.20	15.00	15.00
Police Matron*	11.80	12.50	13.20	18.00	18.00
Animal Control Officer*		20.50	21.65	22.80	22.80
Ordinance Officer – (part-time)	\$14.25	\$15.25	\$16.45	\$18.45	\$18.45
Plumbing Inspector – (part-time)	16.75	17.00	17.25	19.25	19.25
Electrical Inspector – (part-time)	16.75	17.00	17.25	19.25	19.25

**Minimum Wage:** NYS Minimum wage is \$11.10 effective 12/31/18, \$11.80 effective 12/31/19, And \$12.50 effective 12/31/20 \$13.20 effective 12/31/21, 14.20 effective 12/31/22. \$15.00 effective 12/31/2023.

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

## IX. Supt. Public Works

June 12, 2023

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

**Re: City Code Change - §45-7 Solid Waste Collection -Non-residential Additional Totes**

Dear Honorable Body,



It has come to our attention that there are non-residential properties within the city which face hardship in securing solid waste disposal services due to lack of space. Upon further investigation, we have confirmed that there are non-residential properties who lack adequate space to house a dumpster; making it impossible for them to outsource their waste disposal needs via private means.

We opened a dialogue between the DPW, the Attorney's office, and Dawn Timm (Director of the Environmental/Solid Waste Management Division of the Niagara County Department of Public Works). Upon discussion and input from all parties, we were able to come to a solution. We would like to offer non-residential properties, who demonstrate a need and who have exhausted all other options to meet their sanitation needs, the opportunity to apply for up to four additional garbage carts at \$250.00 per cart, per year. Applications will be submitted to the Department of Public Works, and a decision will be made on a case-by-case basis by the Superintendent. If approved, this would allow said property a total of eight garbage disposal carts. Upon considering the costs of the carts and disposal, we believe that this price is fair.

Enclosed you will find our proposed adjustments to the City Code, along with an example application and affidavit. We realize that we will need to be diligent in ensuring that said additional carts remain on the property in which they are designated.

We hope that this will help to alleviate a burden that some of our local businesses face at no fault of their own.

Sincerely,  
Mark Zellner  
Supt. Public Works

MOVED by Alderman Loncar                      SECONDED by Alderman Lavey  
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 July 5<sup>th</sup>, 2023 approved the City Code change for Chapter 45 Solid Waste Section 45-7 to read as follows:

**§45-7 Collection.**

- A. The city of North Tonawanda shall provide for the collection and disposal of solid waste from all residential and qualifying nonresidential producers. All garbage and nonrecyclables placed on the terrace for collection shall be contained within the garbage receptacle(s) issued by the City to be collected from the curblin on the designated collection day for the street.
- B. Residential producers shall be issued one garbage receptacle per dwelling unit up to a maximum of four garbage receptacles. Single family residential producers who have a need for an additional garbage receptacle shall have the option to apply for the use of one additional garbage receptacle to be used at said parcel for an annual fee of \$65.00. the first year's payment shall be paid in advance of delivery and thereafter assessed as a yearly fee on the taxes of said property. Producers may return the garbage receptacles(s) at any time for removal of the fee from the following year's taxes. Applications shall be submitted to the Department of Public Works for review by the Superintendent and a determination will be made on a case-by-case basis at the discretion of the Superintendent. The Superintendent may deny any application without cause.
- C. Nonresidential producers requesting service must have an active, occupied dwelling on the parcel. The Superintendent of Public Works may issue non-residential producers up to four garbage receptacles for each parcel of property if the parcel demonstrates that no other means of sanitation collection and management can be achieved.

Non-residential producers that demonstrate a need due to lack of space/access for an on-site dumpster and have exhausted all other options to meet their sanitation needs may be eligible to be provided up to four additional garbage receptacles to be



used at said parcel for a yearly fee of \$250.00 per garbage receptacle. The first year's payment shall be paid in advance of delivery and thereafter assessed as a yearly fee on the taxes of said property. Producers may return the garbage receptacle(s) at any time for removal of the fee from the following year's taxes. Applications shall be submitted to the Department of Public Works for review by the Superintendent and a determination will be made on a case-by-case basis at the discretion of the Superintendent. The Superintendent may deny an application without cause.

- D. Those parcels of property which generate garbage and nonrecyclables in excess of the amount which can be contained within the maximum allotted garbage receptacles shall receive a written notice by ordinary mail that they are not serviced by the City of North Tonawanda and must personally provide for the collection and disposal of their solid waste and shall comply with those sections of this chapter which may be applicable and the rules and regulations hereinafter adopted by the Common Council regarding collection by independent contractors and commercial agencies.
- E. The City of North Tonawanda will not collect or remove cut grass, brush or tree parts produced by commercial contractors. Cut grass, brush and tree parts produced by commercial contractors must be removed from the premises by the contractor or the owner or occupant of the premises.
- F. City employees or equipment shall not enter private property or structures in making collections. Exceptions may be made for nonresidential producers on a case-by-case basis at the discretion of the Superintendent if the property owner signs a hold harmless letter.

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

#### X.1 Police Chief

June 12, 2023

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

Re: Lieutenant Promotion

Dear Honorable Body,

Lieutenant Jeffrey Swick's status as contingent permanent Lieutenant is changed to permanent as of 5/24/2023. Thank you.

Keith Glass  
 Chief of Police

**MOVED** by Alderman Marranta      **SECONDED** by Alderman Lavey  
 That the Common Council hereby receives and files the permanent appointment of Jeffrey Swick to Lieutenant for the City of North Tonawanda Police Department effective May 24, 2023.

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







**XI.2 Fire Chief**

**June 29, 2023**

**Honorable Mayor Austin Tylec  
and Common Council  
216 Payne Avenue  
North Tonawanda, NY 14120**

**Dear Honorable Body,**

**I am requesting the Council approve an increase in the North Tonawanda fire Department Emergency Services Cost Recovery Program, §36A-2. Amended version attached.**

**Amounts billed through our cost recovery program have not been increased since the program began in 2012. I propose the following:**

<b>Section A-1</b>	<b>\$145.00 increased to \$175.00</b>
<b>Section A-2</b>	<b>\$145.00 increased to \$175.00</b>
<b>Section B</b>	<b>\$360.00 increased to \$400.00</b>
<b>Section C</b>	<b>\$355.00 increased to \$400.00</b>
<b>Section D</b>	<b>\$585.00 increased to \$600.00</b>
<b>Section E</b>	<b>\$400.00 - \$1050.00 would remain the same</b>
<b>Section F</b>	<b>\$150.00 increased to \$300.00</b>

**(NEW) Section G**

**Bill to recover the full cost of replacement of any destroyed or contaminated equipment at the scene of a rescue or Haz Mat incident.**

**Thank you for your consideration in this matter.**

**Respectfully,  
Joseph D. Sikora  
Fire Chief**

**MOVED by Alderman Loncar                      SECONDED by Alderman Lavey  
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 July 5<sup>th</sup>, 2023 approves the amendment to City Code Chapter 36A Emergency Services Cost Recovery Section 36A-1 to read as follows:**

**§36A-2 Fee schedule.**

**A-1 Occupants Assessed, minor: \$175**

- (1) Accidents in which occupants may have been assessed but signed medical treatment waivers denying medical treatment and /or transport.**

**A-2 Standby/hazard control/cleanup. Minor: \$175**

- (1) Minor spill control.**
- (2) Fire hazard precautions.**
- (3) Scene safety.**
- (4) Battery disconnects.**
- (5) Debris cleanup.**

**G. Destroyed or Contaminated Equipment – Bill to recover the full cost of replacement of any destroyed or contaminated equipment at the scene of a rescue or Haz Mat incident.**

**Ayes: Alderman Schmigel, DiBernardo, Lavey, Loncar, Pecoraro**

**(5)**



Nays: None  
CARRIED.

(0)

---

**XVII. Traffic Safety**

June 19, 2023

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

**Traffic Safety Minutes:**

The June 2023 meeting of the North Tonawanda Traffic Safety Committee was called to order at 1700 hours. Roll call showed the following members present: R. Frank, J. Sikora, M. Meisenburg, M. Lemke, D. Grinnell, A. DiBernardo, R. Brennan, N. Ferguson. The minutes from the previous meeting were read and accepted, the following new concerns/requests were discussed, and recommendations made.

- 1) Joseph Diaz requested an "Autism" sign on Christiana Street near Spruce Street for his child. Member Meisenburg installed 2 signs.
- 2) Gary Schaffer requested extra stop signs on Wurlitzer Drive due to speeding. This has been a request from Mr. Schaffer over the last several years. The committee has completed numerous studies on this over the years. The city also completed a study several years ago on Wurlitzer Drive. The studies do not justify more stop signs. We will continue to monitor Wurlitzer Drive with the speed sign, traffic officer and ADP program.
- 3) Richard Genung requested extra checks for speeding and oversized vehicles on Oliver Street by Felton Street. NTPD has been monitoring this area.
- 4) Timothy Peehler requested extra checks at Sweeney Street near the Remington Restaurant. This area was checked with routine patrols. Due to the large amount of foot traffic in this area the committee recommended the city placing speed bumps in the roadway, which was approved. Member Frank spoke with the DPW Supervisor Mark Zellner, who stated that this would become a problem in the winter with plowing. Zellner recommended removable speed bumps which he would remove prior to the snow season. The portable speed bumps were installed.
- 5) Mary Lou and Mike Pohl requested more school signage in the area around Ohio School. Member Meisenburg posted more school signs near the school.
- 6) Ryan Gebhardt requested "No Parking" signs on Dean Drive near Spruce Street due to it being narrow when a vehicle is turning. Member Frank advised Gephardt to talk to his neighbors to see if they wanted "No Parking" signs in front of their residence.
- 7) A request came in from the Clerk's Office regarding why there are "No Parking" signs on the north side of Euclid Avenue. This was a request from the First Union Bus Company several years ago.
- 8) A request came in from the Mayor's Office for a "Do Not Block Intersection" sign at Robinson Street at Fasset Street. Member Meisenburg installed the sign at this intersection.
- 9) Member Sikora received a request from a citizen for "No Parking" signs on the curve of Meadowbrook Drive and Cambridge Drive. Member Sikora stated that if there are vehicles parked on both sides of the street on this curve that the Fire



