

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

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

Nays: None (0)

CARRIED.

COMMUNICATIONS FROM CITY OFFICIALS

I.1 Mayor

September 29, 2023

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

Re: Appointment of Maintenance Supervisor

Dear Honorable Body,

Please receive and file the following notice that the Civil Service Certified Eligible List has been received for the North Tonawanda Building Maintenance Supervisor position. I am appointing Adam Abramo as Building Maintenance Supervisor with a six-month probationary period effective September 29th, 2023.

Thank you for your attention and Congratulations to Adam!

Respectfully,
Austin Tylec
Mayor

MOVED by Alderman Lavey **SECONDED** by Alderman DiBernardo
That the Common Council hereby receives and files the appointment of Adam Abramo as Building Maintenance Supervisor effective September 29th, 2023.

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

Nays: None (0)

CARRIED.

I.2 Mayor

October 11, 2023

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

Re: Inter-Municipal Agreement – 500 Wheatfield Street

Dear Honorable Body,

Attached is the proposed lease agreement between Niagara County and the City of North Tonawanda for the County’s use of 500 Wheatfield Street, North Tonawanda, NY.

After a year and half of negotiations, we were able to secure \$175,000 for past rent that will cover the cost of necessary repairs to mechanical and structural components. The

agreement also includes a new lease agreement of \$3,000 per month that will begin in January 2025.

Thank you for your consideration of this matter.

Respectfully,
Austin Tylec
Mayor

MOVED by Alderman DiBernardo **SECONDED** by Alderman Lavey
That the Common Council hereby approves the attached lease agreement between Niagara County and the City of North Tonawanda for the County's use of 500 Wheatfield Street.
Ayes: Alderman Schmigel, Lavey, Marranca, Loncar, DiBernardo (5)
Nays: None (0)
CARRIED.

I.3 Mayor

October 11, 2023

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

Re: Request to move on agreement between City of North Tonawanda and the Office And Professionals Employees International Union (OPEIU)

Dear Honorable Body,

Department Heads of the OPEIU respectfully request the City Council's consideration of the attached collective bargaining agreement. We seek your approval, denial, or potential amendments to provide a clear direction for our future actions. It is important to note that the Union has unanimously approved the proposed changes and terms outlined in the agreement.

The Union understands that the Council may have concerns regarding the inclusion of Item 1, "Add City Treasurer." In response to this potential concern, the Union is willing to proceed with the contract's approval, omitting this item until the outcome of the Charter Referendum is determined.

In the event that there are any other aspects of the agreement that raise questions or require further discussion, we kindly request that you vote to either amend or decline the attached contract. This will allow for continued negotiations between the City and OPEIU, ensuring the best possible outcome for all parties involved.

We appreciate your time and consideration of this important matter.

Respectfully,
Austin Tylec
Mayor

MOVED by Alderman Lavey **SECONDED** by Alderman Schmigel
That the Common Council hereby approves the agreement between City of North Tonawanda and The Office and Professionals Employees Union (OPEIU), omitting Item #1. Add City Treasurer, until after the Charter Vote.
Ayes: Alderman Schmigel, Lavey, Marranca, Loncar, DiBernardo (5)
Nays: None (0)
CARRIED.

III. Clerk-Treasurer

October 26, 2022

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

Re: Sale of City Property

Dear Honorable Body,

I respectfully request your honorable body's decision on a proposed sale of property to Cosimo Capozzi at 1780 Sweeney Street. Mr. Capozzi would like to purchase city property directly behind his home. Per the City Assessor the lot size would measure 70' x 60' and recommends a purchase price of \$2000. Upon approval, this sale would be finalized with the City Attorney's office.

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

MOVED by Alderman Lavey

SECONDED by Alderman Marranca

That the Common Council hereby approves the sale of City Property to Cosimo Capozzi, 1780 Sweeney Street at a purchase price of \$2,000, property is 70' x 60' and is directly behind Mr. Capozzi's property. Mr. Capozzi is directed to meet with the City Attorney to finalize said sale.

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

(5)

Nays: None

(0)

CARRIED.

IV. Engineer

October 2, 2023

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

**Re: Meadow/Payne Intersection Improvements WSP Agreement Amendment No.1
Additional Engineering Services**

Honorable Body:

The Meadow/Payne Intersection Improvements Project were developed to 90% in 2018. Due to ROW funding considerations the project was placed on hold at that time. The City is now moving ahead with the additional ROW acquisition needed for the intersection improvements and the design will need to be brought to 100% to go out to bid. Additionally, we are asking for construction support from WSP once construction has begun.

I therefore recommend that the Common Council authorize the Mayor to sign the enclosed agreement amendment No.1 for the additional engineering services with WSP, 40 La Riviere Drive, Suite 320, Buffalo, NY 14202; in an amount of \$43,010; subject to review by the City Attorney.

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

10-17-2023

MOVED by Alderman Schmigel SECONDED by Alderman Marranca
That the Common Council hereby approves the enclosed agreement amendment No.1 for the additional engineering services for the Meadow/Payne Intersection Improvements with WSP, 40 La Riviere Drive, Suite 320, Buffalo, NY 14202; in the amount of \$43,010; and directs the Mayor to sign said agreement.

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

Nays: None (0)

CARRIED.

VII.1 Accountant

October 12, 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 October 17th, 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 DiBernardo SECONDED by Alderman Lavey
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated October 17th, 2023, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$445,986.39
02	Water Fund	\$9,663.66
04	Sewer Fund	\$35,005.13
06	Capital Project Fund	\$21,780.82
07	Trust & Agency Fund	\$770.54
00	Final Total	<u>\$513,206.54</u>

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

Nays: None (0)

CARRIED.

VII.2 Accountant

October 12, 2023

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

Dear Honorable Body:

In accordance with Article V, Division 2, Section 5.023 and Section 2.2 of the Budgetary Transfer Policy, please authorize the City Accountant to make the following amendment of fiscal year 2023 appropriations, based on the request of the Department Head, copy attached.

<u>Dollar Amount</u>	<u>Increase Account</u>	<u>Decrease Account</u>
\$27,500	001.3410.0420 Fire-Repairs and Maintenance	001.3410.0100 Fire-Personal Services

Reason: Using remaining funds for vacated Fire Mechanic to cover cost of repair for Fire Ladder Truck

Warm regards,
Jeffrey Zellner
City Accountant

MOVED by Alderman Lavey **SECONDED** by Alderman Loncar
That the Common Council hereby authorizes the City Accountant to make the following Budgetary Transfer of fiscal year 2023 appropriations, based on the request of the Department Head:

<u>Dollar Amount</u>	<u>Increase Account</u>	<u>Decrease Account</u>
\$27,500	001.3410.0420 Fire-Repairs and Maintenance	001.3410.0100 Fire-Personal Services

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

XXV. Monthly Reports

.1 Clerk Treasurer .2 Senior Citizen Center

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

COMMUNICATIONS FROM OTHERS

A.
Bammel Architects, PC

October 3, 2023

Frank DiBernardo
c/o Dept. of Common Council
216 Payne Avenue
North Tonawanda, NY 14120

Project: Gabbie Richards The Vegan Grocery Store, 342 Oliver Street

Dear Mr. DiBernardo,

On behalf of Gabbie Richards, owner of The Vegan Grocery Store, we are seeking approval for a new fabric awning to protrude 2'-0" from the face of the building along the entire street-facing façade. The awning will encroach approximately 1'-6" into the public way. City of North Tonawanda has been listed as additionally insured on the Owner's insurance policy. Corresponding documents have been provided.

Sincerely,
Bammel Architects, P.C.

MOVED by Alderman DiBernardo **SECONDED** by Alderman Schmigel
That the Common hereby grants permission for The Vegan Grocery Store, 342 Oliver Street to have use of approximately 1' - 6" of City Public Way for a fabric awning, owner must provide the City with insurance policy naming the City of North Tonawanda as additional insured yearly.

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

Nays: None (0)

CARRIED.

AUDIENCE PARTICIPATION

Joyce Schultz, 909 Thomas Fox Dr. West – Wanted to know if something can be done to control the noise coming from the Bitcoin Plant to resolve this for the residents.

ADJOURNMENT

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

Time of Adjournment: 7:19 P.M.

Respectfully submitted,



Donna L. Braun
City Clerk-Treasurer