

**THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, May 7, 2024
6:30 P.M.**

REGULAR SESSION CALLED TO ORDER BY PRESIDENT DIBERNARDO

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Absent: None

**Also Present: Mayor Austin J. Tylec
Assistant City Attorney Mario Gregori**

*****STUDENT GOVERNMENT DAY*****

Mayor: David Batista City Attorney: Joshua Mark Kennedy City Judge: Graeme Ashby

City Clerk/Treasurer: Matthew Grinnell Council President/ 2nd Ward Alderperson: Aaron Batch

Alderperson at Large: Sadeen Salem 1st Ward Alderperson: Josh Blaszczyk

Alderperson at Large: Sara Gabel 3rd Ward Alderperson: Chris Chenier

*****PROCLAMATION FOR TWIN CITIES SHOOTING CLUB
CELEBRATING 100 YEARS*****

AUDIENCE PARTICIPATION

Sonia Dusza, 123 Miller Street-Great to see all the students participating in Student Government Day and the Chamber full. Would like the minutes dated April 16th amended, she spoke up against the Water Agreement with the School District at that meeting and still thinks it is a travesty that the city is agreeing to the settlement.

Nick Csizmar, 771 Remington Avenue – Questioned the Agreement with the School District once again and asked if the Council would consider tabling the item. Questioned who would be paying for the water meters and who would be reading them in the future.

Nicole Grinnell 565 Chestnut Street -Would like to thank everyone involved in organizing Student Government Day and carrying on the tradition. Proud to see her son participating and shadowing the Clerk Treasurer.

Bob Pecoraro 262 Christiana Street along with Lindsay Stover thanked the council for passing the resolution for CHANT. They are both proud to be a part of the North Tonawanda Community, where they can Educate and Advocate for the people and make informed decisions.

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

I.1 Mayor

April 18, 2024

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

Re: Appointment to Zoning Board of Appeals – Will Guagliardo

Dear Honorable Body,

Please be advised I will be appointing Will Guagliardo, 1585 Jamaica Square, North Tonawanda, NY 14120 to the Zoning Board of Appeals. Mr. Guagliardo will complete the term of Donald Evans who resigned on April 18, 2024. This term will expire December 31, 2027.

Thank you for your attention to this matter.

Respectfully,
 Austin J. Tylec
 Mayor

MOVED by Alderman Loncar SECONDED by Alderman Marranta
 That the Common Council hereby receives and files the appointment of Will Guagliardo, 1585 Jamaica Square, North Tonawanda, NY 14120 to the Zoning Board of Appeals, effective April 18, 2024 and expiring December 31, 2027.

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

I.2a,b Mayor

April 22, 2024

Honorable Common Council
 216 Payne Avenue
 North Tonawanda, NY 14120

Re:

1. Mayoral Veto to Settlement Agreement with North Tonawanda City Schools and Water Bill
2. Approval of Revised Settlement Agreement with North Tonawanda City Schools and Water Bill

Dear Common Council,

Pursuant to Sec.2.023 of our City Charter, I wish to exercise my veto on The North Tonawanda City Schools Water Bill Agreement presented to the Common Council on Tuesday, April 16th, 2024. Based on the comments made by the public, our Water/Wastewater Superintendent, and some of the Common Council members, I believe it is in the best interest of the City to revise one of the items presented in the agreement.

1. As part of the proper procedure to amend said agreement, I am requesting that the Common Council approve this veto of the agreement, allowing the following item to be presented.

As the City moves forward with our automatic meter program, it is in our best interest to remove any language in the agreement between The City and The North Tonawanda School District regarding these meters.

2. As such, I am requesting the Common Council approve the attached revised agreement which removes language from item 3. ~~“Moreover, in the event that the City switches over to “smart” water meters in the future for its users that can be read remotely (which it has stated it intends to do), the School district agrees that it will consider purchasing and installing such meters as part of a future capital project provided that it is financially feasible to do so within its planned budget.”~~

This agreement will be sent to the North Tonawanda School Board. Thank you for your attention to this matter.

Respectfully,
Austin Tylec
Mayor

MOVED by Alderman Schmigel SECONDED by Alderman Lavey
That the Common Council hereby approves the Mayoral Veto of the follow resolution dated April 16th, 2024:

MOVED by Alderman Lavey SECONDED by Alderman Schmigel
That the Common Council hereby approves the attached agreement between the City of North Tonawanda and the North Tonawanda School District regarding a water bill dispute.

Ayes: Alderman Schmigel, Marranca, Loncar, Lavey (4)

Nays: Alderman DiBernardo (1)

CARRIED.

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

Nays: None (0)

CARRIED.

MOVED by Alderman Marranca SECONDED by Alderman Loncar
That the Common Council hereby approves the attached amended agreement between the City of North Tonawanda and the North Tonawanda School District regarding a water bill dispute

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

Nays: None (0)

CARRIED.

IV. Engineer

April 23, 2024

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

Re: Project 2024-02 Keller Building Emergency Floor Repair

Dear Honorable Body:

On April 23, 2024, one (1) formal bid was received and opened by the City Clerk for the Keller Building Emergency Floor Repair Project. The results are as follows:

Total Base Bid:

1. **Guard Construction and Contracting Corp.** **\$64,500.00**

The Engineering Department has reviewed the bid results and are recommending award of the Contract; Accordingly, I respectfully request that the Common Council award the Keller Building Emergency Floor Repair Project to Guard Construction and Contracting Corp., 455 Commerce Drive, Amherst, NY 14228, at their low Base Bid of \$64,500.00; authorizing the Mayor to sign said contract subject to review by the City Attorney.

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

MOVED by Alderman Lavey **SECONDED by Alderman Schmigel**
That the Common Council hereby approves the contract for the Keller Building Emergency Floor Repair, Project 2024-02, to Guard Construction and Contracting Corp., 455 Commerce Drive, Amherst, NY 14228, at their low Bid of \$64,500 and authorizes the Mayor to sign said contract.

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

Nays: None **(0)**

CARRIED.

VII. Accountant

April 29, 2024

**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 May 7th, 2024 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 Loncar**
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated May 7th, 2024, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$504,185.72
02	Water Fund	\$52,252.23
04	Sewer Fund	\$108,197.28
06	Capital Project Fund	\$338,897.31
07	Trust & Agency Fund	<u>\$19,869.29</u>
00	Final Total	<u>\$1,023,401.83</u>

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

Nays: None **(0)**

CARRIED.

XI. Fire Chief

May 2, 2024

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

Dear Honorable Body:

Attached is a council resolution authorizing the approval of a purchase order for a new Rosenbauer Fire Pumper. The Fire Department has submitted a FEMA grant for funding of this project (application # EMW-2023-FG-03915), which is currently in the review process. The attached resolution would allow us to begin the purchase process to help offset continually rising costs associated with the apparatus manufacturing process. The resolution also acknowledges that there is no guarantee the grant will be awarded, and the City of North Tonawanda agrees to fund the purchase of the apparatus should we be denied FEMA funding. Lastly, it authorizes the City Accountant, in coordination with the Mayor and Fire Chief, the ability to procure apparatus funding that is most appropriate for the City of North Tonawanda.

**Respectfully submitted,
Kyle A. Stevener
Assistant Fire Chief**

**MOVED by Alderman Schmigel 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 May 7th, 2024, approved a Resolution to apply for the signing of a purchase order to purchase a Rosenbauer Fire Pumper for the North Tonawanda Fire Department and it reads as follows:**

WHEREAS, the North Tonawanda Fire Department has a critical need to replace an aging front line Fire Engine; and

WHEREAS, the apparatus committee recommends the purchase of a Fire Engine manufactured by Rosenbauer America ("Rosenbauer") firm as the Rosenbauer meets or exceeds the specification requirements of the North Tonawanda Fire Department; and

WHEREAS, the City of North Tonawanda has applied for Federal Emergency Management Agency ("FEMA") funding totaling \$807,000.00; and

WHEREAS, the City of North Tonawanda acknowledges the FEMA grant award would require a ten percent match of funds of the total purchase price; and

WHEREAS, FEMA has acknowledged that the pre-award expenses related to pending application EMW-2023-FG-03915 appear justified, unavoidable, and necessary for efficient and timely performance of the grant and are consistent with the projected scope of work; and

WHEREAS, the City of North Tonawanda acknowledges that any pre-award costs incurred will comply with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements at 2 C.F.R. Part 200; and

WHEREAS, the City Council of the City of North Tonawanda acknowledges the FEMA grant award is not a guaranteed source of purchase funding; and

WHEREAS, the City of North Tonawanda is a member of Sourcewell, a cooperative purchasing program to assist local government in reducing costs through a nationwide government-to-government procurement service; and

WHEREAS, the proposed agreement with Rosenbauer has properly utilized the Sourcewell bidding process which conforms to New York State Law and City purchasing policies; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City North Tonawanda does hereby:

1. Adopt this resolution authorizing the Mayor to sign the purchase order with the intent to order a Rosenbauer Fire Engine; and
2. Agree to fund the purchase for the full amount should the FEMA grant be denied; and
3. Authorize City Accountant, in coordination with the Mayor and Fire Chief, to utilize the method of financing that is appropriate for the City of North Tonawanda.

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

XVII. Traffic Safety

April 17, 2024

Donna Braun
216 Payne Avenue
North Tonawanda, NY 14120

Traffic Safety Minutes:

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

1. Residents are requesting "No Parking Anytime" signs on the north side of Linwood from Payne Ave East bound to the dead end (2,000ft) total. The committee agreed to generate a petition to give the residents the opportunity to vote on the issue until the next meeting.
2. Greg Diehl from 58 Weaver St. is requesting temporary use of five parking spots directly in front of El Punto for the celebration of Cinco de Mayo Saturday, May 4th and Sunday May 5th. The temporary use of these parking spots will enable us to create a welcoming space where guests can gather, socialize, and celebrate in style. The committee all agreed.

The next Traffic Safety Meeting will be held on May 20, 2024.

Travel safety,
Matthew R. Meisenburg

MOVED by Alderman Marranca **SECONDED** by Alderman Loncar
That the Common Council hereby receives and files the Traffic Safety minutes from their April Meeting.

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

XXV. Monthly Reports

.1 Police Department .2 Clerk-Treasurer

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

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

COMMUNICATIONS FROM OTHERS

A.
Melissa Endres

April 16, 2024

Mayor Tylec and Common Council
City Hall-Main Floor
216 Payne Avenue
North Tonawanda, NY 14120

Dear Mayor Tylec and Common Council,

We are requesting approval for The Touched by Tayler Woolston Foundation to hold our first Color Cow Run on Sunday May 19th at Noon. We are excited to host this event, as it is something that holds near and dear to our hearts. We are hoping the course route attached can be approved for the event.

Tayler Woolston passed away January 1, 2023, unexpectedly leaving behind family and friends. Our foundation started a year ago to help others, as Tayler would have wanted. Over the last year, we awarded almost 20k in scholarships that stayed within our community. This year our hope is to raise enough funds to keep touching lives as Tayler did to so many.

We are seeking approval for the race so we can begin planning. Please contact me with any questions. Thank you for your consideration and support.

Sincerely,
Melissa Endres, Co-founder
The Touched by Tayler Woolston Foundation

MOVED by Alderman Lonar SECONDED by Alderman Marranta
That the Common Council hereby grants permission to The Touched by Tayler Woolston Foundation to hold their Color Cow Run event Sunday, May 19th, 2024 and directs the Police Department and the DPW to assist with necessary accommodations for said event.
Ayes: Alderman Schmigel, Marranta, Loncar, Lavey, DiBernardo (5)
Nays: None (0)
CARRIED.

B.
Tonawanda's United Veteran's Council

May 1, 2024

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

On May 26, 2024, Tonawanda's United Veteran's Council will hold our Memorial Day ceremony at 12pm on the Renaissance Bridge. We are asking that the bridge be closed to traffic on the North Tonawanda side at 11:30am and reopen to traffic at 12:30pm. The same request was sent to the Tonawanda Council. All city officials are invited to our service. Coffee and Doughnuts will be served after the service at the VVA Chapter Museum on Main Street. Thank you.

In Service to Veterans,
Paul Pietrowski, President

MOVED by Alderman Schmigel SECONDED by Alderman Lavey
That the Common Council hereby approves the closing of the Renaissance Bridge on Sunday May 26, 2024 from 11:30AM to 12:30PM for the annual Memorial Day Observance Service by the Tonawanda's United Veterans Council, directing the DPW to provide barricades for said event and the Police Department to assist with traffic.

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

Nays: None (0)

CARRIED.

AUDIENCE PARTICIPATION

Sonia Dusza, 123 Miller Street- Glad to see the Fire Department and the city are getting a New Fire Pumper, it's about time. The city needs to keep up with the program and protect our city. It is way too long to wait for a new pumper.

Michelle Bernas, 239 East Avenue-Wanted to thank all the Students, Council the Mayor and the School District for participating in Student Government Day.

Alberta Roman, 462 Walck Road-Asked the Mayor for an update on the Pool. Would like to know when the pool would start construction. Will it be ready in 2025?

Paul Phelps 683 Nash Road & Tim Yager 655 Nash Road- They are here to voice their concerns once again about the section of Nash Road where the Twin City Highway ends. They are witnessing people driving between 50-60 MPH on Nash Road. They are very concerned that an accident will happen. Why is there not a police presence at rush hour. They would like to see a solution to this issue.

Will Guagliardo, 1585 Jamaica Square- Thanked the Mayor for the appointment to the Zoning Board of Appeals.

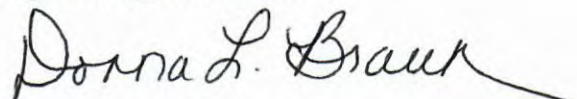
Richard Madej, 489 Witmer Road- Good job on Payne Avenue paving. Would like to know when Warner is going to be addressed. Is there something in place that a resident can have input on what streets need to be addressed as far as paving them. Asked about a Repair on St. Joseph Drive? Also is there any Zoning in place for large storage containers on residential property.

ADJOURNMENT

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

Time of Adjournment: 7:35 P.M.

Respectfully submitted,



Donna L. Braun
City Clerk-Treasurer