

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, January 18, 2022
6:30 P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT PECORARO

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Absent: None

Also Present: Mayor Austin J. Tylec
 Assistant City Attorney Nicholas Robinson

AUDIENCE PARTICIPATION – David Burgio, 1879 Sweeney Street-asked the council to explain why the City Market Clerk Appointment was tabled. This is a Mayoral appointment and should be a receive and file.

APPROVAL OF THE MINUTES OF THE REORG MEETING JANUARY 4, 2022

MOVED by Alderman DiBernardo **SECONDED** by Alderman Loncar
 That the minutes of the reorg meeting held January 4, 2022 be approved as circulated and filed in the Office of the City Clerk.
Ayes: Alderman Schmigel, DiBernardo, Lavey, Loncar, Pecoraro (5)
Nays: None (0)
CARRIED.

APPROVAL OF THE MINUTES OF THE REGULAR SESSION JANUARY 4, 2022

MOVED by Alderman Lavey **SECONDED** by Alderman Loncar
 That the minutes of the regular session held January 4, 2022 be approved as circulated and filed in the Office of the City Clerk.
Ayes: Alderman Schmigel, DiBernardo, Lavey, Loncar, Pecoraro (5)
Nays: None (0)
CARRIED.

PROOF OF PUBLICATION PUBLISHED 12/24/2021

- 1) Legal Notice- Request for Proposals from Parties Interested in Operating a Restaurant Facility at Deerwood Golf Course – Dir. Youth, Recreation, Parks and Seniors

PROOF OF PUBLICATION PUBLISHED 12/31/2021

1) Legal Notice – Resumes accepted for the Position of North Tonawanda City Attorney – City Clerk-Treasurer

MOVED by Alderman DiBernardo SECONDED by Alderman Schmigel That the Common Council hereby receives and files the aforementioned Proof of Publication. CARRIED.

COMMUNICATIONS FROM CITY OFFICIALS

I.1 Mayor

December 29, 2021

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

Re: Appointment of City Market Clerk

Dear Honorable Body:

Please be advised that I am appointing Christian Del Prince, 800 W Thomas Fox Dr, North Tonawanda, NY 14120 as the North Tonawanda City Market Clerk, effective January 1, 2022 for a one (1) year term, expiring December 31, 2022.

Thank you for your attention to this matter.

**Respectfully,
Austin Tylec
Mayor**

MOVED by Alderman DiBernardo SECONDED by Alderman Pecoraro That the Common Council hereby approves the appointment of Christian Del Prince as City Market Clerk, effective January 1, 2022 for a one (1) year term, expiring December 31, 2022.

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

I.2 Mayor

December 29, 2021

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

Re: Appointments to the North Tonawanda Traffic Safety Committee

Dear Honorable Body:

Please be advised that I am re-appointing the following individuals for the following terms on the Traffic Safety Committee:

1. Joseph Sikora, 522 Homestead Dr, North Tonawanda, NY 14120, effective January 1, 2022 for a term of two (2) years, and expiring December 31, 2023.
2. Robert Frank, 316 Brentwood Dr, North Tonawanda, NY 14120, effective January 1, 2022 for a term of two (2) years, and expiring December 31, 2023.
3. Dennis Grinnell, 916 W Thomas Fox Dr, North Tonawanda, NY 14120, effective January 1, 2022 for a term of two (2) years, and expiring December 31, 2023.

I am also appointing Robert Brennan, 333 Daniel Dr, North Tonawanda, NY to the Traffic Safety Committee to complete the term of Mark Daigler, effective January 1, 2022, and expiring December 31, 2022.

Thank you for your attention to this matter.

Respectfully,
Austin Tylec
Mayor

MOVED by Alderman DiBernardo SECONDED by Alderman Lavey
That the Common Council hereby Amends the following resolution dated January 4, 2022:

MOVED by Alderman Loncar SECONDED by Alderman Lavey
That the Common Council hereby receives and files the reappointments of the following to the Traffic Safety Committee:

1. Joseph Sikora, 522 Homestead Dr, North Tonawanda, NY 14120, effective January 1, 2022 for a term of two (2) years, and expiring December 31, 2024.
2. Robert Frank, 316 Brentwood Dr, North Tonawanda, NY 14120, effective January 1, 2022 for a term of two (2) years, and expiring December 31, 2024.
3. Dennis Grinnell, 916 W Thomas Fox Dr, North Tonawanda, NY 14120, effective January 1, 2022 for a term of two (2) years, and expiring December 31, 2024.

Council also receives and files the appointment of Robert Brennan, 333 Daniel Drive, to the Traffic Safety Committee for a term of 2 years effective January 1, 2022 and expiring December 31, 2022 to complete the term of Mark Daigler.

To Read as follows:

That the Common Council hereby receives and files the reappointments of the following to the Traffic Safety Committee:

1. Joseph Sikora, 522 Homestead Dr, North Tonawanda, NY 14120, effective January 1, 2022 for a term of two (2) years, and expiring December 31, 2023.
2. Robert Frank, 316 Brentwood Dr, North Tonawanda, NY 14120, effective January 1, 2022 for a term of two (2) years, and expiring December 31, 2023.
3. Dennis Grinnell, 916 W Thomas Fox Dr, North Tonawanda, NY 14120, effective January 1, 2022 for a term of two (2) years, and expiring December 31, 2023.

Council also receives and files the appointment of Robert Brennan, 333 Daniel Drive, to the Traffic Safety Committee for a term of 2 years effective January 1, 2022 and expiring December 31, 2022 to complete the term of Mark Daigler.

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

IV. Engineer

January 13, 2022

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

Re: Keller Building Emergency Floor Repairs Proposals

Dear Honorable Body:

The City Building Maintenance Department discovered a corroded and deteriorating steel floor joist in the basement of the Norman Keller Building. To complete the emergency floor repairs needed, the city intends to procure the services of a professional engineering firm. This firm's responsibilities will include design of a repair for the corroded and deteriorating steel joists as well to investigate and design a remediation for the cause of the corrosion in the joists.

Three engineering firms were contacted and submitted proposals for this emergency work in November and December 2021. Proposals were reviewed by the City Engineering and Building Maintenance to provide a recommendation to the Council.

Upon review we are recommending the City select the proposal submitted by Glynn Group Engineering and Architecture, PLLC. Glynn is a local firm with experience in design of structural repairs in similar projects.

I am hereby requesting this honorable body consider selecting Glynn Group Engineering & Architecture, PLLC to complete the design of the Keller Building Emergency Floor Repairs Project and authorize the Mayor to sign a contract with Glynn Group, pending review and approval by the City Attorney, for the proposed fee of \$9,000.

Please let me know if you have any further questions or concerns. Thank you for your consideration.

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

MOVED by Alderman DiBernardo SECONDED by Alderman Loncar
That the Common Council hereby approves Glynn Group Engineering & Architecture, PLLC to complete the design of the Keller Building Emergency Floor Repairs Project and authorizes the Mayor to sign said contract with Glynn Group, pending review and approval by the City Attorney, for the proposed fee of \$9,000.
Ayes: Alderman Schmigel, DiBernardo, Lavey, Loncar, Pecoraro (5)
Nays: None (0)
CARRIED.

VII. Accountant

January 13, 2022

**Honorable 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 January 18th, 2022, 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 Pecoraro **SECONDED by Alderman DiBernardo**
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated January 18, 2022, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$768,953.82
02	Water Fund	18,095.77
04	Sewer Fund	59,504.95
06	Capital Project Fun	189,861.93
07	Trust & Agency Fund	<u>998.74</u>
00	Final Total	\$1,037,415.21

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

VIII. Assessor

January 12, 2022

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

Dear Honorable Body:

Please pass the submitted resolution pertaining to the Senior Citizens Exemption (RP-467) and the Persons with Disabilities (RP 459-c) by Governor Hocol Executive Order 11.1 To the extent necessary to permit the governing body of an Assessing Unit to adopt a resolution directing the Assessor to grant exemptions without renewal applications for the 2022 Assessment Roll.

We also performed this for the 2021 Assessment Roll with Governor Cuomo's Executive Order Number 202, declaring a State of Emergency, and on December 18, 2020 Governor Cuomo issued Executive Order 202.83 for the Senior Citizens Exemption and the Persons with Disabilities.

Sincerely,
Barbara W. Klenke
City Assessor

MOVED by Alderman DiBernardo **SECONDED by Alderman Lavey**
That the Common Council at a regular meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 p.m. on January 18, 2022 the following resolution was passed:

WHEREAS, on the 26th day of December, Kathy Hocol, Governor of the State of New York issued an Executive Order Number 11.1, declaring a state of emergency for the entire State of New York; and

WHEREAS, Governor Hocol issued a portion of which includes a local option pertaining to the Senior Citizens' and Persons with Disabilities partial property tax exemption, Subdivisions 7, 7-a and 8 of the Section 459-c of the Real Property Tax Law (Partial Tax Exemption for Persons with Disabilities), and Subdivisions 5, 5-a, 5-b, 5-c and 6 of Section 467 of the Real Property Tax Law (Partial Tax Exemption for Low Income Senior Citizens), to the extent necessary to permit the governing body of an assessing unit to adopt a resolution directing the Assessor to grant exemptions pursuant to such section on the 2022 Assessment Roll to all property owners who received either of those exemptions on the 2021 Assessment Roll, unless there has been a change in status that would no longer qualify the homeowner, dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for Assessors to mail renewal applications to such persons; and the City of North Tonawanda is desirous to adopt such resolution while also allowing the Assessor to require a renewal application to be filed when the Assessor has a reason to believe that an owner who qualified for the exemption on the 2021 Assessment Roll may have since changed [primary residence, added another owner to the deed, transferred the property to a new owner, or had died];

THEREFORE, BE IT RESOLVED, The Common Council of the City of North Tonawanda directs the City Assessor, pursuant to the NYS Governor's Executive Order 11.1 Continuing Temporary Suspension and Modification of Laws relating to the pandemic disaster emergency, specifically as it pertains to Senior and Disability Exemptions, Section 467 and 459c of the Real Property Tax Law, to grant exemptions on the 2022 Assessment Roll to all property owners who received the exemption of the 2021 Assessment Roll, except in the case that there is a change of status that would no longer qualify the homeowner, thereby dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for Assessors to mail renewal application to such persons.

Subject to review by the City Attorney.

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

Nays: None

CARRIED.

(5)

(0)

IX. Supt. Public Works

January 13, 2022

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

Re: DASNY Chipper & Sewer Camera Grants for the City of North Tonawanda

Dear Honorable Body,

The city has applied for two grants through DASNY: one for a chipper for our Forestry department, and another for a sewer camera. The chipper grant will cover \$50,000 of the \$65,000 total cost. The sewer camera grant will cover \$100,000 of the \$110,000 total cost.

The purchase of a new 2021 chipper will be of great help to our crews by increasing the rate in which we can break down residential brush and brush composite waste. The use of a chipper allows us to turn the broken-down brush into mulch, which we then recycle by offering it to the residents of the city for free. Residents are welcome to stop by the DPW to take as much mulch as they wish for use in their landscaping and gardens. This grant, which covers approximately 77% of the chipper cost, is a great opportunity for us. From faster brush waste breakdown rates to free gardening material for our residents, a new chipper will aid in beautifying our city all around.

At the time when these grants were originally started, the city would have been fully reimbursed for these items. However, due to rising costs over the past year, this is no longer the case. For this reason, the Department of Public Works is requesting a total of \$25,000 (\$15,000 for the chipper and \$10,000 for the sewer camera), in order that we may take advantage of the referenced DASNY grants.

The Department of Public Works would like to respectfully request that this item be added to the next common council agenda to be approved, so that we can move this process forward.

Best,
Mark A. Zellner
Supt. Public Works

MOVED by Alderman DiBernardo **SECONDED by Alderman Schmigel**
That the Common Council hereby approves the DASNY Chipper and Sewer Camera Grants with a total of \$25,000 (\$15,000 for the chipper and \$10,000 for the sewer camera), from the City to cover the final cost of said items, subject to review by the City Attorney.
Ayes: Alderman Schmigel, DiBernardo, Lavey, Loncar, Pecoraro (5)
Nays: None (0)
CARRIED.

X. Police Chief

January 6, 2022

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

Dear Honorable Body,

On December 7, 2020, the Council approved the City of North Tonawanda to contract with the Niagara County SPCA to shelter and care for stray dogs for the year 2021.

I am requesting that the City continue the contract with the Niagara County SPCA for 2022 at a cost of \$300.00 per month (\$3,600 annually) for said services. The City has approved the 2022 budget which includes this expenditure which is the same as 2021.

I have included two copies of the contract to be signed by the Mayor if approved.

Respectfully,
Thomas E. Krantz
Chief of Police

MOVED by Alderman Pecoraro **SECONDED by Alderman DiBernardo**
That the Common Council hereby grants permission to enter into a contract with the Niagara County SPCA, 2100 Lockport Road, to shelter and care for stray dogs, in the amount of \$300.00 per month (\$3600.00 annually), effective January 1, 2022 to December 31, 2022, subject to review by the City Attorney.
Ayes: Alderman Schmigel, DiBernardo, Lavey, Loncar, Pecoraro (5)
Nays: None (0)
CARRIED.

**XIV. Youth, Recreation, Parks
And Seniors**

January 13, 2022

01-18-2022

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

Dear Mayor Tylec and Common Council,

I respectfully request approval of the signed agreements between the Niagara County Department of Social Services, acting on the behalf of the Niagara County Youth Bureau, and in agreeance with the North Tonawanda Department of Youth, Recreation, Parks & Seniors for appropriations totaling Thirty-Five Thousand, Eight Hundred Dollars (\$35,800.00) to be made to the City resulting from program services rendered by our Department in accordance with the terms of the agreement.

The appropriations are:

Youth Center Programming	\$22,000.00
Youth Court and First Offender Program	\$13,800.00

Respectfully submitted,
 Alex Domaradzki
 Dir. Youth, Recreation, Parks & Seniors

MOVED by Alderman DiBernardo **SECONDED** by Alderman Lavey
 That the Common Council hereby approves and accepts the total State Aid for Youth Programming and Youth Court and First Offender Program, allocations for 2021 of Thirty-Five Thousand, Eight Hundred Dollars (\$35,800.00), subject to review by the City Attorney.

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

XXV. Monthly Reports

.1 Senior Citizen Center .2 Clerk-Treasurer .3 Police Department

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

XXVI. Annual Vacation & Sick Leave Reports

.1 Fire Department .2 Youth, Recreation, Parks & Seniors

MOVED by Alderman DiBernardo **SECONDED** by Alderman Loncar
 That the Common Council hereby receives and files the aforementioned Annual Vacation & Sick Leave Reports.
 Ayes: Alderman Schmigel, DiBernardo, Lavey, Loncar, Pecoraro (5)
 Nays: None (0)
CARRIED.

XXVII. Annual Reports

.1 Senior Citizen Center .2 Clerk-Treasurer .3 Police Department

MOVED by Alderman Pecoraro **SECONDED** by Alderman DiBernardo

That the Common Council hereby receives and files the aforementioned Annual Reports.
 Ayes: Alderman Schmigel, DiBernardo, Lavey, Loncar, Pecoraro (5)
 Nays: None (0)
CARRIED.

COMMUNICATIONS FROM OTHERS

A.
 Gratwick Hose Company, Inc.

January 6, 2022

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

Honorable Body :

Please remove the names of William Busch and Albert Gerlach from the Fire Rolls.

Thank you,
 David A. Rogge
 Membership Secretary
MOVED by Alderman DiBernardo
SECONDED by Alderman Schmigel
 That the Common Council hereby approves the removal of William Busch and Albert Gerlach from the North Tonawanda Fire Rolls.
 Ayes: Alderman Schmigel, DiBernardo, Lavey, Loncar, Pecoraro (5)
 Nays: None (0)
CARRIED.

B.
 Gratwick Hose Company, Inc.

January 6, 2022

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

Honorable Body :

The following members of the Gratwick Hose Company have reached the years of service listed below:

50 Years

David Miller
 Timothy Miller
 Glenn Deverell
 Michael Niezgoda

35 Years

William Roberts Jr.
 David Manth
 John Manth
 James Lemke

Please issue the appropriate certificates.

Thank you,
 David A. Rogge
 Membership Secretary

MOVED by Alderman Lavey SECONDED by Alderman DiBernardo
That the Common Council hereby grants Exemption Petitions for years of service to the
following:

50 Years

David Miller
 Timothy Miller
 Glenn Deverell
 Michael Niezgoda

35 Years

William Roberts Jr.
 David Manth
 John Manth
 James Lemke

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

C.
 NT Neighborhood Watch

January 5, 2022

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

Re: 2022 Dyngus Day Parade
Honorable Council,

We are respectfully requesting your permission to once again host a Dyngus Day celebration and parade on Monday, April 18th 2022. We feel as though the event was successfully executed in 2021, and based off of the extremely positive feedback from the community it would be a worth-while endeavor to continue the tradition.

The overall premise of the event would be the same, with a few additions and minor adjustments. We would once again like to have the parade route run north to south down Oliver Street. However, we would like the starting point to be the intersection at Buffalo Bolt Way and Oliver (using Buffalo Bolt Way as our staging area) and end the parade at the corner of Thompson and Oliver. We are also requesting the use of Heritage Park from 5:00pm -9:00pm for a post-parade party with live polka music and a beer tent. Sweeney Hose Company No.7 will obtain the necessary permits and operate the beer tent as they have in past years for the Canal Fest.

The Dyngus Day celebration and parade not only benefits the many small businesses located on Oliver Street, but it also recognizes and draws positive attention to an area of town that has so much potential but is often ignored or overlooked. Below you will find a list of the specific items we are requesting the Council approve. We would be more than happy to attend your next workshop to answer any further questions you may have. We greatly appreciate your support and consideration.

Dyngus Day Request:

- **Oliver St. (Buffalo Bolt Way – Thompson St.) closure from 3:00pm – 7:00pm**
- **Use of Buffalo Bolt Way for parade staging area**
- **Use of Auxiliary Police and NTPD officers (appropriate amount to be determined by Police Chief)**
- **Use of Heritage Park for post-parade party**

Sincerely,
 NT Neighborhood Watch Executive Board

MOVED by Alderman DiBernardo SECONDED by Alderman Loncar
That the Common Council hereby approves the aforementioned request from the NT
Neighborhood Watch for their Dyngus Day Celebration and Parade, Monday April 18,
2022:

- **Oliver St. (Buffalo Bolt Way – Thompson St.) closure from 3:00pm – 7:00pm**
- **Use of Buffalo Bolt Way for parade staging area**
- **Use of Auxiliary Police and NTPD officers (appropriate amount to be determined by Police Chief)**
- **Use of Heritage Park for post-parade party**

Council also directs the DPW to provide barricades and the Police Department to have Auxiliary Police present for said event.

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

AUDIENCE PARTICIPATION – Mike Koenig 196 South Meadow- wanted to thank Dale Roger for running a good market and not in favor of the new Market Clerk appointment.

ADJOURNMENT

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

Time of Adjournment: 7:04 P.M.

Respectfully submitted,



Donna L. Braun
City Clerk-Treasurer