

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, March 1, 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
City Attorney Edward Zebulske III

AUDIENCE PARTICIPATION - None

APPROVAL OF THE MINUTES OF THE REGULAR SESSION FEBRUARY 15, 2022

MOVED by Alderman DiBernardo **SECONDED** by Alderman Pecoraro
That the minutes of the regular session held February 15, 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.

COMMUNICATIONS FROM CITY OFFICIALS

#1. Robert Pecoraro

February 23, 2022

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

Dear Honorable Body:

For your consideration, please approve the Overdose Memorial in the North Tonawanda Heritage Park, introduced and funded by the Bonts World Foundation, a 501(c) 3 organization.

The Foundation's mission is to save lives by raising funds to help those in need of treatment facilities and take away the stigma associated with the opioid epidemic. It is called Bonts,

nicknamed for Devanti, a loving man who battled with an opiate addiction, losing his battle in 2020. The Foundation met with me and the North Tonawanda Parks and Recreation Superintendent Alex Domaradzki to brainstorm ideas on how to bring awareness into our community...they are poised and funded to construct a gazebo in Heritage Park where people can reflect on loved ones either suffering from or having lost their life to an opioid addiction (see proposed location below). Like the Children's Memorial Garden, people can purchase a name plate and have it on display in the gazebo. This initiative is also sponsored by the Community Health Alliance of North Tonawanda. What they need from the North Tonawanda Common Council are:

1. Approval of a Memorial at Heritage Park
2. Proclamation for the ribbon cutting on Overdose Awareness Day, Wednesday, August 31. International Overdose Awareness Day is a global event held on 31 August each year. Its purpose is to raise awareness of overdoses, reduce the stigma of drug-related deaths and acknowledge the grief felt by families and friends.

Proposed location Heritage Park (Oliver Street Entrance)

- Paved walkway leading to a 12' Vinyl Gazebo surrounded by purple flower beds
- Inside the gazebo will be name plaques attached to the rails with the names of lives lost by overdose (plaques to be purchased by families).

Sincerely,
Alderman at Large Robert E. Pecoraro
President, North Tonawanda Common Council

MOVED by Alderman DiBernardo SECONDED by Alderman Lavey
That the Common Council hereby approves the Overdose Memorial in Heritage Park (Oliver Street Entrance).

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

Nays: None (0)

CARRIED.

I.1 Mayor

February 22, 2022

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

Re: Frank Grandinetti Resignation – Plumbing Board

Dear Honorable Body,

Please be advised effective February 11, 2022, Frank Grandinetti has resigned from the Plumbing Board.

Thank you for your attention to this matter.

Respectfully,
Austin J. Tylec
Mayor

MOVED by Alderman Schmigel SECONDED by Alderman Loncar
That the Common Council hereby receives and files the letter of resignation from Frank Grandinetti from the Plumbing Board effective February 11, 2022.

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

Nays: None (0)

CARRIED.

I.2 Mayor

February 15, 2022

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

Re: Appointment to Waterfront Commission

Dear Honorable Body,

Please be advised that I am appointing Larry Young, 837 Fairmont Street, North Tonawanda, NY 14120 to be added to the Waterfront Commission Committee.

Larry Young's term is effective immediately and will expire on December 31, 2023.

Thank you for your attention to this matter.

Respectfully,
 Austin J. Tylec
 Mayor

MOVED by Alderman Lavey **SECONDED** by Alderman DiBernardo
 That the Common Council hereby receives and files the appointment of Larry Young, 837 Fairmont Street to the Waterfront Commission, effective March 2, 2022 and expiring December 31, 2023.

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

(5)

Nays: None

(0)

CARRIED.

I.3 Mayor

February 23, 2022

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

Re: State Funding through Assemblyman William Conrad

Dear Honorable Body,

This resolution serves as a formal request directed to Assemblyman William Conrad who has expressed a willingness to advocate for state funding for the City of North Tonawanda.

Through discussions with department heads and the Assemblyman's office, the requested funds would be allocated towards purchases designated in the resolution.

Should this Honorable Body have any questions regarding this resolution, I encourage you to contact me directly.

Respectfully,
 Austin J. Tylec
 Mayor

MOVED by Alderman Pecoraro **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 PM on March 1, 2022, a Formal Request of State Funding for Various City Equipment Resolution was passed and reads as follows:

Formal Request of State Funding for Various City Equipment

WHEREAS, Assemblyman William Conrad, whose jurisdiction includes a portion of North Tonawanda, has expressed his willingness to advocate for funding from New York State for the betterment of North Tonawanda; and

WHEREAS, funding through the State Legislature is available for certain purposes and is unavailable for other purposes; and

WHEREAS, the Fire Department has requested enhancements to the newly purchased Rescue Boat, including overboard rescue system, spotlights, dock lines, paddles, throw bags, storage container, life safety vests, inflatable vests, and additional lighting; and

WHEREAS, the Police Department has requested a Voice Stress Analyzer which will be an investigative tool that will help detectives solve crimes, monitor sex offenders, and screen new Police Officers; and

WHEREAS, the Police Department has also expressed a Wireless Security Network Equipment funds to assist with a new Network and Cameras that would be placed throughout our business districts and communicate with our Police Department headquarters to include wireless bridges, mounting hardware and six outdoor cameras; and

WHEREAS, a Training/Workout Mat which includes internal programs for de-escalation training, less lethal training, defensive tactics and health and wellness physical fitness standards. A new 20' x 30' Training Mat, would allow our department to stay fit and vigilant to ensure we are keeping our community and officers safe; and

WHEREAS, our Treasurer's Office has had the same carpet and office desks for decades. These requested upgrades would surely enhance their office work environment and increase productivity; and

WHEREAS, the Parks Department is requesting a Workmaster Tractor/Bobcat for the continuous maintenance of Deerwood Golf Course which has seen the highest turnout of golfers in the last decade with Covid restrictions lifted and residents wanting to get outdoors more. These two items are a crucial part of maintaining a net profit that assists our annual budget; and

WHEREAS, these requests have been vetted by the Assemblyman's Office as feasible and the Assemblyman has expressed willingness to attempt to acquire funding for the aforementioned items.

NOW, THEREFORE, BE IT RESOLVED, that this Honorable Body hereby formally requests:

- Fire Department at a quote price of **\$5,800** for Boat Enhancements
- Treasurer's Office **\$9,000** for Office Desks and Carpet Enhancements
- Parks Department
 - Workmaster Tractor **\$72,000**
 - Bobcat **\$22,000**
- Police Department
 - Analyzer: **\$10,000**
 - Wireless Security Equipment **\$22,100**
 - Training/Workout Mat **\$5,250**

Which is total request of **\$146,150** be it further

RESOLVED, that this Honorable Body acknowledges that this submission is a request, and the funding is subject to acceptance or denial by the state legislature; and be it further

RESOLVED, certified copies of this resolution be transmitted to Assemblyman William Conrad's District Office.

Subject to review by the City Attorney.

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

(5)

Nays: None
CARRIED.

(0)

I.4 Mayor

February 24, 2022

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

RE: Complete Streets Policy for North Tonawanda - Climate Smart Task Force

Dear Honorable Body:

The Climate Smart Task Force was advised to create a Complete Streets Policy for The City of North Tonawanda. This policy has been initiated by many municipalities in Western New York and is intended to provide guidance for the planning, design and operation of public rights-of-way within a municipality to improve public safety and access, maintenance efficiency and environmental conditions. The purpose is to show The City of North Tonawanda's commitment to the implementation of Complete Streets that promote the safe, accessible, and environmentally friendly use of public rights-of-way. Over the years, our city has shown our willingness to implement similar initiatives with public projects along our waterfront, downtown, and many areas throughout the city.

This commitment provides a positive message that we are focused on the betterment of our public spaces and I hope this will have the Council's support

Respectfully,
 Austin J. Tylec
 Mayor

MOVED by Alderman DiBernardo SECONDED by Alderman Schmigel
That the Common Council at a regular session meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 PM on March 1, 2022, a Complete Streets Policy Resolution was passed and reads as follows:

WHEREAS, a North Tonawanda Complete Streets Policy will improve bicycle and pedestrian friendliness and create a safe, reliable, efficient, attractive, and connected multi-modal transportation system that benefits all users regardless of age, mobility limitations, or economic standing; and

WHEREAS, complete streets that integrate multiple transportation choices for pedestrians, bicyclists, and transit, with special consideration for children, the elderly and people with disabilities, contribute to the public life of a community, sustainable economic development and efficient movement of people and goods; and

WHEREAS, complete streets that are mindful of and respondent to environmental and climate conditions have a positive effect on public health and safety; and

WHEREAS, the City of North Tonawanda shall, to the maximum extent practical, scope, plan, design, construct, operate and maintain all streets to provide a comprehensive and integrated network of facilities for all users of all abilities; and

WHEREAS, the City will actively seek sources of appropriate funding and pursue all available resources to assist in achieving Complete Street goals; and

WHEREAS, it is the intent of this policy to foster partnerships with the State of New York, Niagara County, North Tonawanda School District, citizens, businesses, interest groups and neighborhoods to implement complete streets; and

WHEREAS, the City of North Tonawanda shall encourage the use of publicly available design guidelines and best practices to guide the planning, design and operation of complete streets within the city; and

WHEREAS, complete streets should be continuously evaluated for success and opportunities for improvement sought.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of North Tonawanda, New York hereby supports the creation of a North Tonawanda Complete Streets Policy.

Subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

II. Attorney

February 15, 2022

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

**Re: Proposed Collective Bargaining Agreement between AFSCME Local 515
And City of North Tonawanda**

Dear Honorable Body:

Attached, for your consideration, are the new terms of the proposed collective bargaining agreement between AFSCME Local 515 and the City of North Tonawanda. The City and AFSCME met on numerous occasions over the past several months to negotiate the new agreement, and the amendments are hereby attached. The current agreement expired on December 31, 2021. Please note that the proposed term is four (4) years, beginning January 1, 2022.

Should your Honorable Body concur, please pass a resolution approving the changes to the collective bargaining agreement. Subject to any further review by the City Attorney.

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

**MOVED by Alderman DiBernardo SECONDED by Alderman Pecoraro
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 March 1, 2022, the Collective Bargaining Agreement between AFSCME Local 515 and the City of North Tonawanda was passed and reads as follows:**

Union #1 (1.21) Change to 12:01 a.m. on January 1, 2022 continues until midnight on December 31, 2025.

Union #2 (1.23) Change to May 1, 2025 no later than June 1, 2025.

Union #3 (5.49 A) NEW: The employer shall be allowed to use up to nine (9) seasonal help employees for the use of sanitation and recycling workers only for twelve (12) months of the calendar year provided there shall be a staffing clause of at least sixty-eight (68) full time AFSCME employees, anytime the number of full time AFSCME employees drop below sixty-eight (68) for any reasons, management shall have thirty (30) days to fill vacant positions. The employer's ability to retain seasonal help for sanitation and recycling shall cease to exist if for any reasons management does not keep staffing clause at sixty-eight (68) full time AFSCME

employees. Such seasonal employees shall not work any overtime or on any holidays unless all other bargaining unit members declined that overtime opportunity. The provisions of this paragraph will terminate on December 31, 2025, unless negotiated into a successor agreement.

City #6 (6.18) Remove, "A backhoe may be used by the Road Maintenance Mechanic for removal of sidewalks only"

Union #4 & City #7 (6.26) Change shift differential for 2nd and 3rd shift employees to \$.50 per hour of such second and third shift work. Employees called in for overtime situations must work at least three (3) hours of overtime to receive shift differential at \$.50 per hour.

Union #5 & City #8 (6.32 A) Each supervisor shall keep record of overtime worked and/or offered to an employee, regardless of job assignment available to the employees, under said supervisor's supervision. A separate record will be kept for each classification. Overtime wheel to zero out after each calendar year (January 1 to December 31). A copy of each record will be posted and will be brought up to date bi-weekly.

Union #6 (6.32 A) NEW: Any employee that accepts an out-of-title assignment in a higher classification in an overtime situation and that employee opt's for compensatory time, in lieu of receiving payment for said hours at time and one half (1-1/2) that employee shall receive the difference of pay between employees permanent position and the higher classification he/she worked in said overtime situation as an adjustment in their pay check. Said employee must work at least three (3) hours of overtime to receive out-of-title pay adjustment.

Union #7 & City #9 (6.38 A) Change last line, does not expire for that calendar year employee opting for compensatory time, in lieu of payment for said hours at time and one half (1-1/2) will stay on compensatory time unless said employee notates on their time sheets to change back to payment of said overtime hours.

Union #8 (7.11) Raises for salary employees (See Below & Attached):

Effective 1/1/2022: Flat raise of \$.60 per hour & three and one half (3.5%) percent
 Effective 7/1/2023: Two and one half (2.5%) percent
 Effective 1/1/2024: Two and one half (2.5%) percent
 Effective 1/1/2025: Two and one half (2.5%) percent

Union #9 (7.21) Raises for hourly employees (See Below & Attached):

Effective 1/1/2022: Four and one half (4.5%) percent
 Effective 7/1/2023: Two and one half (2.5%) percent
 Effective 1/1/2024: Two and one half (2.5%) percent
 Effective 1/1/2025: Two and one half (2.5%) percent

Union #11 (9.26) NEW: One time per year, an employee shall be allowed to cash in up to three (3) weeks of vacation time for money.

City #13 (10.11) Add: Sick leave application only needs to be provided for absences of five (5) days or greater.

City #14 (10.21) For each month of service for the Employer, an employee will be credited with one (1) day of sick leave credit. For purposes of this paragraph, a "month of service" is a month in which an employee has been paid a minimum of seventy-six (76) hours in at least one payroll period during said month. "Month of service" will not include sick leave of more than fifteen (15) consecutive days in a month.

City #15 (10.53) Remove: The city will contribute one (1) day to the sick bank for each one (1) day contributed thereto by each participating employee of the Department of Public Works. Union will have final say in the approval of any sick bank applications.

Union #12 (11.13) Add: Stepparents and Step grandparents.

City #16 (12.11) The employer will provide and pay for a life insurance group policy, and as such there is no cash value and employees benefit under such group policy shall terminate upon separation from employment. Employee may continue this policy on after separation from city. Employee will be responsible for the cost of the plan on their own, the city will provide no dollar amount towards the plan after separation from city. Any maintenance fee that the City has to bear per a plan, the employee will cover this amount as well.

City (new) (12.12) Add the following language under Article 12, entitled benefits: An employee is eligible for all benefits provided under Article 12 (benefits) of this agreement as negotiated. To be entitled to receive these benefits under Article 12, an employee must be eligible to collect a retirement pension payment from the New York State Employee's Retirement System. For purposes of this agreement, examples of an employee entitled to said benefits, will include, but are not limited to, any employee who retires and qualifies to receive a pension payment from the New York State Employee's Retirement System regardless of said employee choosing to take an early retirement penalty, or receiving an approved disability retirement benefit.

City #21 (12.19) Employees are eligible for and may participate in the "Flex spending account" adopted pursuant to section 125 of the Internal Revenue Code that will be offered by the City.

Union #16 (12.21) Increase longevity:

Years of service	Amount paid
7-10	\$800.00
10-15	\$900.00
15-20	\$1,000.00
20-25	\$1,200.00
25 & more	\$1,350.00

Union #17 (12.31) New: Upon separation from service with the City of North Tonawanda, employees who have one hundred twenty (120) days of accumulated sick leave may cash out up to thirty (30) days of sick leave at the employee's regular hourly rate of pay at the time of separation. To be eligible for said payment, an employee must:

(1) Have completed ten (10) years of service with the City of North Tonawanda Department of Public Works.

(2) Said separation shall not be for just cause

Union #18 (12.32) NEW: Any unused sick leave accumulated by said employee may be donated to the sick bank at the time of separation

City #22 (12.42) Follow chart below:

# of AFSCME employees Waiving medical	Amount of medical waiver	Additional amount to Dental/Optical
11 and below	\$2,000.00	none
12 to 15	\$2,500.00	none
16 to 20	\$5,000.00	\$5,000.00 to Dental
21 and more	\$5,000.00	\$5,000.00 to Optical

Union #21 (13.16) NEW: CDL training stipend, any employee asked to train another employee for their CDL road test will receive an extra one (1) hour of pay or compensatory time for every hour of training performed by said employee. Pay will be determined by the position held by the training employee.

Union #22 (13.17) NEW: Tool allowance, all heavy equipment mechanics shall receive an allowance of \$900.00 yearly to be used for any tools they need to perform their job. All tools bought with tool allowance will be employee's personal tools.

Union #24 (New) Expand residency allowing all full time AFSCME employees to live in the following areas: City of Tonawanda, Town of Tonawanda, Amherst, Niagara Falls, Kenmore, Niagara Wheatfield, Cambria, Pendleton and Sanborn.

Union (12.12 A.) Change plan numbers to read Blue Cross/Blue Shield POS 298 plus (replacing POS 201 plus), Blue Cross/Blue Shield POS 298 (replacing POS 207), Blue Cross/Blue Shield POS 7298 (replacing POS 7200). Effective date January 1, 2022.

City (new) The City shall have the right to select an alternative insurer from one (1) of the following: Blue Cross/Blue Shield, Independent Health, Aetna, United Healthcare or Univera Healthcare. The coverage must be **equal to or better than** the current Blue Cross POS 298 PLUS, POS 298 and POS 7298 plans. Any savings that the city shall see in switching to new medical or prescriptions will pass on twenty-five (25%) percent of those savings to the Union. The union will split the twenty-five (25%) percent savings to the members who are enrolled with the city’s health insurance.

Union (12.12 B. 1) Increase medical payroll deductions per year

Single plan \$25.00 per year:	Family plan \$50.00 per year:
2022 - \$875.00	2022 - \$1,750.00
2023 - \$900.00	2023 - \$1,800.00
2024 - \$925.00	2024 - \$1,850.00
2025 - \$950.00	2025 - \$1,900.00

Union (12.12 B. 3) All employees hired after January 1, 2016 shall pay twenty-five percent (25%) for the first five (5) years of service after that they shall pay fifteen percent (15%) of the cost of such insurance to the City of North Tonawanda by payroll deduction, until the retirement of an AFSCME employee then said employees shall be provided medical contributions pursuant to subsection (1) of this section (12.12 B). payment shall be spread out equally over the entire year until separation.

Union (12.16) Retirement Health insurance: Each retiree hired January 1, 2016 or before and having at least fourteen (14) years of service for the City of North Tonawanda Department of Public Works, shall have the option between the following sections:

- A) Fully paid Medical Coverage until age 65 for retiree and spouse with current plan (not tied to any sick days)

Sections B, C & D stay the same.

Each retiree hired after January 1, 2016 the following schedule must be used to determine the percentage (%) of premiums paid by the city based on number of sick days at retirement. Employees with 100 or more sick days must have at least twenty (20) years of service for the City of North Tonawanda Department of Public Works to receive premiums paid at 100%.

Number of sick days:	% premiums paid by city:
100 or more	100%
75 or 99	75%
60 - 74	60%
45 - 59	45%
30 - 44	35%
0 - 29	25%

Union (12.16 c) Should read PPO 799 not HMO 799.

Subject to further review by the City Attorney

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

VII.1 Accountant

February 24, 2022

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 March 1st, 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 DiBernardo **SECONDED** by Alderman Schmigel
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated March 1, 2022, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$442,614.52
02	Water Fund	23,858.15
04	Sewer Fund	76,346.05
06	Capital Project Fund	19,917.81
07	Trust & Agency Fund	12,118.28
85	CD – AHOD Rehabilitation	<u>11,826.00</u>
00	Final Total	\$ <u>586,680.81</u>

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

VII.2 Accountant

February 24, 2022

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

Dear Honorable Body:

In accordance with the City of North Tonawanda 2022 Capital Improvement Plan, please find a serial bond resolution in aggregate amount of \$9,194,375, 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.

Warm regards,
Jeffrey R. Zellner
 City Accountant

At a regular meeting of the Common Council of the City of North Tonawanda, Niagara County, New York, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 p.m. on March 1, 2022.

PRESENT: Robert Pecoraro, President, Alderman-at-Large
 Robert Schmigel, 1st Ward Alderman
 Frank DiBernardo, 2nd Ward Alderman
 Joe Lavey, Jr., 3rd Ward Alderman
 Joe Loncar, Alderman-at-Large

ABSENT: None

The following resolution was offered by Alderman Pecoraro, who Moved its adoption, Seconded by Alderman DiBernardo, to-wit:

BOND RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK (THE "CITY") AUTHORIZING THE ISSUANCE OF \$9,194,375 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 \$9,194,375 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 \$257,375 principal amount of serial bonds pursuant to the provisions of the Local Finance Law (the "Law") to finance the costs of certain park improvements in and for the City, including any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$1,029,500, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$257,375 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 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 fifteen (15) years, pursuant to subdivision 19(c) of paragraph a. of Section 11.00 of the Law.

SECTION 2. The City is hereby authorized to issue \$34,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of financing certain parking improvements in and for the City, including any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$209,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$34,000 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 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 fifteen (15) years, pursuant to subdivision 20(f) of paragraph a. of Section 11.00 of the Law.

SECTION 3. The City is hereby authorized to issue \$250,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of a capital improvement plan to aid in determining future improvements to the City's water distribution system, including preliminary and incidental costs related thereto. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$250,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$250,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds and (ii) 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 forty (40) years, pursuant to subdivisions 62(a) and 4 of paragraph a. of Section 11.00 of the Law.

SECTION 4. The City is hereby authorized to issue \$250,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of a capital improvement plan to aid in determining future improvements to the City's sanitary and storm sewer infrastructure, including any preliminary and incidental costs related thereto. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$250,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$250,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds and (ii) 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 forty (40) years, pursuant to subdivisions 62(a) and 4 of paragraph a. of Section 11.00 of the Law.

SECTION 5. The City is hereby authorized to issue \$610,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the acquisition of traffic signal systems in and for the City, including any preliminary and incidental costs related thereto. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$610,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$610,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds and (ii) 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 twenty (20) years, pursuant to subdivision 72(a) of paragraph a. of Section 11.00 of the Law.

SECTION 6. The City is hereby authorized to issue \$3,150,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the acquisition, construction and reconstruction of water improvements in and for the City, including any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$3,150,000, said amount is

hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$3,150,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds and (ii) the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds or bond anticipation notes 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 objects or purposes is forty (40) years, pursuant to subdivision 1 of paragraph a. of Section 11.00 of the Law.

SECTION 7. The City is hereby authorized to issue \$22,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the acquisition and installation of a GIS communication system (Phase I) for the City, including any preliminary and incidental costs related thereto. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$22,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$22,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds and (ii) 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 (10) years, pursuant to subdivision 25 of paragraph a. of Section 11.00 of the Law.

SECTION 8. The City is hereby authorized to issue \$1,676,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the acquisition, construction and reconstruction of sewer improvements in and for the City, including any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$3,401,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$1,676,000 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 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 forty (40) years, pursuant to subdivision 4. of paragraph a. of Section 11.00 of the Law.

SECTION 9. The City is hereby authorized to issue \$200,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of maintaining hazardous trees throughout the City, including any preliminary and incidental costs related thereto. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$200,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$200,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds and (ii) 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 57 of paragraph a. of Section 11.00 of the Law.

SECTION 10. The City is hereby authorized to issue \$1,395,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the acquisition of machinery and apparatus for construction and maintenance for the City, including any preliminary and incidental costs related thereto. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$1,395,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$1,395,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds and (ii) 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 fifteen (15) years, pursuant to subdivision 28 of paragraph a. of Section 11.00 of the Law.

SECTION 11. The City is hereby authorized to issue \$700,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of improvements to the Deerwood Golf Course, including any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$700,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$700,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds and (ii) 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 fifteen (15) years, pursuant to subdivision 54 of paragraph a. of Section 11.00 of the Law.

SECTION 12. The City is hereby authorized to issue \$150,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of certain waterway improvements in and for the City, including any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$150,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$150,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds and (ii) 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 3 of paragraph a. of Section 11.00 of the Law.

SECTION 13. The City is hereby authorized to issue \$500,000 principal amount of serial bonds pursuant to the provisions of the Law to finance the estimated cost of the replacement of the City's Memorial Pool (Phase I), including any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$500,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$500,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds and (ii) 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 fifteen (15) years, pursuant to subdivision 61 of Section 11.00 of the Law.

SECTION 14. 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 15. 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 16. 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, 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 17. 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 18. 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 19. 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 20. 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 21. 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, DiBernardo, Lavey, Loncar, Pecoraro (5)
NAYS: None (0)

This Resolution shall take effect immediately.

**STATE OF NEW YORK)
COUNTY OF NIAGARA) S.S.:**

I, the undersigned City Clerk-Treasurer/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/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 of North Tonawanda, Niagara, County, State of New York (the "Common Council"), was held on March 1, 2022, and attached hereto is a true and correct copy of a resolution duly adopted at such 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 \$9,194,375 IN SERIAL BONDS OF THE CITY TO FINANCE VARIOUS PUBLIC IMPROVEMENTS

3. That said meeting was duly convened and held and that said 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 said 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 March 4, 2022, 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 4th day of March, 2022.

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 March 1, 2022, 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 March 1, 2022.

03-01-2022

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 \$9,194,375 IN SERIAL BONDS OF THE CITY TO FINANCE VARIOUS PUBLIC IMPROVEMENTS".

2. The resolution 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 \$257,375 to finance certain park improvements in and for the City, including any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto; PPU of 15 years;

(2) Bonds in the principal amount of \$34,000 to finance certain parking improvements in and for the City, including any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto; PPU of 15 years;

(3) Bonds in the principal amount of \$250,000 to finance a capital improvement plan to aid in determining future improvements to the City's water distribution system, including preliminary and incidental costs related thereto; PPU of 40 years;

(4) Bonds in the principal amount of \$250,000 to finance capital improvement plan to aid in determining future improvements to the City's sanitary and storm sewer infrastructure, including any preliminary and incidental costs related thereto; PPU of 40 years;

(5) Bonds in the principal amount of \$610,000 to finance the acquisition of traffic signal systems in and for the City, including any preliminary and incidental costs related thereto; PPU of 20 years;

(6) Bonds in the principal amount of \$3,150,000 to finance the acquisition, construction and reconstruction of water improvements in and for the City, including any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto; PPU of 40 years;

(7) Bonds in the principal amount of \$22,000 to finance the acquisition and installation of a GIS communication system (Phase I) for the City, including any preliminary and incidental costs related thereto; PPU of 10 years;

(8) Bonds in the principal amount of \$1,676,000 to finance the acquisition, construction and reconstruction of sewer improvements in and for the City, including any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto; PPU of 40 years;

(9) Bonds in the principal amount of \$200,000 to finance maintaining hazardous trees throughout the City, including any preliminary and incidental costs related thereto; PPU of 5 years;

(10) Bonds in the principal amount of \$1,395,000 to finance the acquisition of machinery and apparatus for construction and maintenance for the City, including any preliminary and incidental costs related thereto; PPU of 15 years;

(11) Bonds in the principal amount of \$700,000 to finance improvements to the Deerwood Golf Course, including any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto; PPU of 15 years;

(12) Bonds in the principal amount of \$150,000 to finance certain waterway improvements in and for the City, including any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto; PPU of 30 years; and

(13) Bonds in the principal amount of \$500,000 to finance the replacement of the City's Memorial Pool (Phase I), including any applicable equipment, machinery, apparatus, land or

rights-in-land necessary therefor and any preliminary and incidental costs related thereto; PPU of 15 years.

3. Aggregate amount of Debt Obligations Authorized: up to \$9,194,375.

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.

Subject to further review by the City Attorney.

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

Nays: None (0)

CARRIED.

X.1 Police Chief

February 22, 2022

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

Dear Honorable Body,

Effective March 18, 2022, I will be retiring from the North Tonawanda Police Department. My last day of employment will be March 17, 2022.

It has truly been an honor to serve as a member of the police department.

**Respectfully,
Thomas E. Krantz
Chief of Police**

**MOVED by Alderman Pecoraro SECONDED by Alderman DiBernardo
That the Common Council hereby receives and files the letter of retirement from Thomas E. Krantz as Chief of Police for the City of North Tonawanda effective March 18, 2022.**

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

Nays: None (0)

CARRIED.

X.2 Police Chief

February 22, 2022

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

Dear Honorable Body,

I intend on hiring Michael Rosky to fill a vacant police officer position. Michael will be a lateral transfer from the Niagara County Sheriff's and has been approved for transfer by the Niagara County Civil Service Department and authorized by Mayor Tylec.

The effective date of this transfer will be March 4, 2022.

Respectfully,

**Thomas E. Krantz
Chief of Police**

MOVED by Alderman Lavey SECONDED by Alderman Loncar
**That the Common Council hereby approves the appointment of Michael Rosky as a Police
Office for the North Tonawanda Police Department, effective March 4, 2022.**
Ayes: Alderman Schmigel, DiBernardo, Lavey, Loncar, Pecoraro (5)
Nays: None (0)
CARRIED.

XIV. Youth, Recreation, Parks & Seniors

February 24, 2022

**The Honorable Mayor Tylec
And Common Council
216 Payne Avenue
North Tonawanda, New York 14120**

Dear Mayor Tylec and Common Council,

**Attached are the proposed fee schedules for recreational program and facility charges for
the 2022 season. Items highlighted in yellow reflect price increases from the 2021 fee
structure. These price increases are in correlation with the continued rise in product
expenses and staffing costs (state minimum wage increases) that are required to provide
programs and services for the public at the same level that our community has come to
expect.**

**Please note that in spite of the fee increases, our research found that our price points are
still a value compared to similar program/facility rates in the Town of Tonawanda, City of
Tonawanda, Amherst, Buffalo, Lockport and Wheatfield.**

**Furthermore, I would be remised should I not emphasize that our North Tonawanda
Youth Board offers program tuition assistance with their "Everyone Plays Recreation
Program Scholarship". This scholarship program is meant to ensure that program costs
are not a barrier for a youth to participate, by providing financial assistance to cover the
program cost for a youth participant in a low-income household. More information on our
Everyone Plays Scholarship can be found at our website www.ntparksrec.com**

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

MOVED by Alderman Pecoraro SECONDED by Alderman Loncar
**That the Common Council hereby approves the attached program fee schedule effective
January 1, 2022 for all programs associated with the Recreation Department.**
Ayes: Alderman Schmigel, DiBernardo, Lavey, Loncar, Pecoraro (5)
Nays: None (0)
CARRIED.

COMMUNICATIONS FROM OTHERS

**A.
In Good Company Productions**

February 11, 2022

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

To North Tonawanda Council:

Hello there. In Good Company is very excited to plan our 1st show since having to cancel all plans because of Covid. Due to Covid and so many unknown future restrictions we are changing our plan for this summer. We are planning to do all outdoor daytime rehearsals during the week of July 25-29 followed by 3 evening performances August 1, 2, and 3. We are writing to you to request the fee for the bandshell at Raymond Klimek Veteran's Park be waived for these events.

In Good Company is an all-inclusive Non- Profit Community Children's Theater Group. We charge no fee for any participants and our staff volunteers their time and services. We have been providing our services to the community since 2004. We are looking forward to coming back to North Tonawanda.

If you need any additional information, I can be reached anytime at 716-408-7678.

Thank you,
 Melissa Durfey
 President
 In Good Company Productions

MOVED by Alderman Schmigel SECONDED by Alderman Loncar
 That the Common Council hereby approves of waiving the pavilion fee at Raymond Klimek Veteran's Park to In Good Company Productions, on July 25-29 and August 1,2 and 3, 2022 from 9am to 2pm for their daytime rehearsals and evening performances.
 Ayes: Alderman Schmigel, DiBernardo, Lavey, Loncar, Pecoraro (5)
 Nays: None (0)
 CARRIED.

B.
 Marine Corps League

February 13, 2022

Hon. Mayor Austin Tylec
 & Common Council
 216 Payne Avenue
 North Tonawanda, NY 14120

Re. Pavilion Request

Honorable Body:

The Conrad F. Kania Detachment of the Marine Corps League hereby requests a waiver of the fee normally charged to use the large pavilion behind our Monument located in the Raymond Klimek Veteran's Park on August 13, 2022 from 9:00am to 2:00pm for our summer picnic. We are expecting many Marines to attend this years picnic from the Western New York area.

Thank you for your consideration.

Sincerely,
 Paul T. Schultz

MOVED by Alderman Schmigel SECONDED by Alderman Pecoraro
 That the Common Council hereby approves of waiving the pavilion fee at Raymond Klimek Veteran's Park to The Conrad F. Kania Detachment of the Marine Corps League, on August 13, 2022 from 9am to 2pm for their summer picnic.

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

(5)
(0)

C.
El Gringo Mexican Cantina

February 27, 2022

Ms. Donna Braun
Common Council - Clerk/Treasurer
North Tonawanda
City Hall - Main Floor
216 Payne Ave
North Tonawanda, NY 14120

Re: Outdoor Patio seating - 58 Webster Street

Dear Ms. Braun,

El Gringo Mexican Cantina on Webster Street is scheduled to open in April of 2022. Please accept this letter as a request for El Gringo Mexican Cantina to provide outdoor seating in a cordoned off outdoor patio on the Webster Street side of the building.

We would utilize outdoor seating in the spring, summer, and fall, starting this coming April, weather permitting. Accompanying this letter is dimensioned drawing showing our proposed plan. Please keep in mind that this patio area is fully removable during winter months.

Please address our request at the upcoming Common Council meeting and feel free to contact me at any time with questions or additional information requirements.

Thank you for your assistance

Ralph Dailey

MOVED by Alderman DiBernardo SECONDED by Alderman Loncar
That the Common Council hereby grants permission for El Gringo Mexican Cantina, to provide outdoor seating in front of their restaurant located at 58 Webster Street, a certificate of liability insurance will have to be provide to the Attorney's Office.

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

Nays: None

CARRIED.

(5)
(0)

D.
Michael Carney

February 23, 2022

North Tonawanda Common Council
216 Payne Avenue
North Tonawanda NY 14120

Dear Honorable Body:

I am requesting to be appointed as a Commissioner of Deeds for the City of North Tonawanda at your March 1, 2022 meeting.

Thank you
Michael Carney

MOVED by Alderman DiBernardo SECONDED by Alderman Schmigel
That the Common Council hereby approves Michael Carney, 407 Bennett Street, North Tonawanda, NY 14120, to be a Commissioner of Deeds for the City of North Tonawanda, effective March 2, 2022 and expiring March 1, 2024.

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

Nays: None (0)

CARRIED.

LATE COMMUNICATION

MOVED by Alderman DiBernardo SECONDED by Alderman Lavey
To bring the following communications to the floor.

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

Nays: None (0)

CARRIED.

#1.

Supt. Water/Wastewater

February 28, 2022

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

Re: Approval of Change Order for Chlorine Work at WWTP

Honorable Body,

I respectfully request that you approve the following change order, moving the remaining \$19,457.39 from Frey Electric contract to the STC contract for the WWTP CIP Phase 1 Project. This money will be used to make the necessary changes in the chlorine room at the wastewater treatment plant.

**Sincerely,
 Jason W. Koepsell
 Supt. Water/Wastewater**

MOVED by Alderman DiBernardo SECONDED by Alderman Schmigel
That the Common Council hereby approves the Change Order to move the remaining \$19,457.39 from Frey Electric contract to the STC contract for the WWTP CIP Phase 1 Project, subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

AUDIENCE PARTICIPATION

Debra Gondek, 257 Brentwood Drive – Thanked the Council for approving the Smart Street resolution. Had many questions regarding Digihost.

Nancy Militello, 691 Fairmont Avenue – Is disappointed with the noise in her neighborhood

Darleen Bolsover, 1337 Sweeney Street – She read a letter from - Karen Hence because she could not attend the meeting. Congratulated the Police Chief on his retirement.

Jim Berry, 43 Old Falls Blvd. – Disagrees with some of the statements and has concerns about the steam from Digihost, says that Bit Coin is a dinosaur, and it doesn't belong here in our city.

Susan Wilke, 329 Miller Street – Says 12% of our water will be used to cool old lines, residents deserve better.

Kurt Klepp, 1295 Erie Avenue – Says he doesn't hear the nose only a slight whining sound, only complaint is the train.

Richie Madej, 494 Witmer Road – Had questions regarding the 40 year old construction and the Capital Projects money.

Patty Roy, 1486 Sweeney Street – Wanted to address the Parkview Avenue flooding from the weather and now there is a sink hole in the neighborhood by the State Ditch.

Anthony Tasner, 455 Witmer Road – Wanted to also address the flooding on Witmer Road.

ADJOURNMENT

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

Time of Adjournment: 7:43 P.M.

Respectfully submitted,



Donna L. Braun
City Clerk-Treasurer