





2) Legal Notice – Public Hearing to discuss submission of an Application for Funding for the 2022 Community Development Block Grant Microenterprise program to assist various businesses – Dir. Community Development

**PROOF OF PUBLICATION PUBLISHED 3/2/2022**

1) Legal Notice – The Estoppel Notice for the Summary of Bond Resolution for the 2022 Capital Improvements – City Accountant

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

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**COMMUNICATIONS FROM CITY OFFICIALS**

**#1. Frank DiBernardo**

**March 10, 2022**

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

**Dear Honorable Body,**

**Per my previous discussions I would like to add to the council agenda an amendment to local policy to remove the requirement of background checks for mobile food vendors. The current code is listed below:**

§65-8 Fees for Licenses.

B. Fees; mobile food vendor.

(1) Yearly License.  
[Amended 3-1-2016]

(a) All vendors shall pay an application fee of \$100 per year for each food truck

(b) for each employee of the food truck who shall be working within the City, the Vendor must pay \$15 per employee for a background check.

**Section 65-8.B.b is what I would like to remove. All other including ability to revoke for cause would remain. I have included in the discussion all stakeholders, legal, police and fire in previous weeks with no issues raised. With the review and approval from the City Attorney’s Office.**

**Thank you for this consideration.**

**2<sup>nd</sup> Ward Alderman  
Frank DiBernardo**

**MOVED** by Alderman Schmigel                      **SECONDED** by Alderman Loncar  
That the Common Council hereby approves the City Code change for Section 65-8. B. b. to remove the background checks for food truck permits and should read as follows:  
§65-8 Fees for Licenses.

B. Fees; mobile food vendor.



- (1) Yearly License.  
[Amended 3-1-2016]

(a) All vendors shall pay an application fee of \$100 per year for each food truck.

**Subject to further review by the City Attorney.**

**Ayes: Alderman Schmigel, Lavey, Loncar, Pecoraro (4)**

**Nays: None (0)**

**CARRIED.**

**I.1 Mayor**

**February 28, 2022**

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

**Re: Appointment to Plumbing Board – Joseph Aiello**

**Dear Honorable Body,**

**Please be advised that I am appointing Joseph Aiello, 380 Elmwood Avenue, North Tonawanda, NY 14120 to the Plumbing board effective immediately. His term will expire December 31, 2022 finishing the term vacated by Frank Grandinetti.**

**Thank you for your attention to this matter.**

**Respectfully,  
Austin J. Tylec  
Mayor**

**MOVED by Alderman Lavey**

**SECONDED by Alderman Schmigel**

**That the Common Council hereby receives and files the appointment of Joseph Aiello, 380 Elmwood Avenue, to the Plumbing Board, effective March 16, 2022 and expiring December 31, 2022.**

**Ayes: Alderman Schmigel, Lavey, Loncar, Pecoraro (4)**

**Nays: None (0)**

**CARRIED.**

**I.2 Mayor**

**March 8, 2022**

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

**Re: Appointment of Police Chief**

**Dear Honorable Body,**

**Please be advised that I am provisionally appointing Keith Glass, 1051 Remington Dr., North Tonawanda, NY 14120, as Chief of Police, effective March 18, 2022, pending results of the required Civil Service exam to be scheduled. His starting pay will be \$120,323 Step 3 of the existing OPEIU schedule.**

**I believe Lieutenant Glass is extremely qualified for the position and will provide the best leadership for our residents and the Police Department.**



Respectfully,  
Austin J. Tylec  
Mayor

**MOVED by Alderman Pecoraro                      SECONDED by Alderman Loncar**  
That the Common Council hereby receives and files the provisional appointment of Keith Glass, 1051 Remington Dr. as Police Chief for the City of North Tonawanda, effective March 18, 2022, with a starting pay of \$120,323 Step 3 of the OPEIU schedule.

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

Nays: None (0)

**CARRIED.**

**IV. Engineer**

March 10, 2022

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

**Re: Project 2018-13: ESD Smart Growth Funds Downtown North Tonawanda  
Placemaking Project Final Project Acceptance**

Dear Honorable Body:

Final acceptance of the ESD Smart Growth Funds Downtown North Tonawanda Placemaking Project is hereby requested.

Accordingly, I respectfully request that the Common Council accept this project as complete and approve the release of retainage final payment of \$68,952.34 with 4<sup>th</sup> Generation construction Inc., 5650 Simmons Avenue, Niagara Falls, NY 14304; with the final contract amount being \$1,379,046.83, subject to review by the City Attorney.

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

**MOVED by Alderman Schmigel                      SECONDED by Alderman Lavey**  
That the Common Council hereby accepts the ESD Smart Growth Fund Downtown Placemaking Project as complete and approves the release of final payment of \$68,952.34 with 4<sup>th</sup> Generation construction Inc., 5650 Simmons Avenue, Niagara Falls, NY 14304; with the final contract amount being \$1,379,046.83, subject to review by the City Attorney.

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

Nays: None (0)

**CARRIED.**

**VII. Accountant**

March 11, 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 15<sup>th</sup>, 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 Schmigel  
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated March 15, 2022, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

|    |                      |                     |
|----|----------------------|---------------------|
| 01 | General Fund         | \$440,297.21        |
| 02 | Water Fund           | 38,498.27           |
| 04 | Sewer Fund           | 62,253.22           |
| 06 | Capital Project Fund | 68,952.34           |
| 07 | Trust & Agency Fund  | <u>321.70</u>       |
| 00 | Final Total          | <u>\$610,322.74</u> |

Ayes: Alderman Schmigel, Lavey, Loncar, Pecoraro (4)  
Nays: None (0)  
CARRIED.

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X. Police Chief

March 8, 2022

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

Dear Honorable Body,

I am requesting that the common council approve a request to allow me to hire a police matron that lives outside of the city. We currently have a vacancy that we have been unable to fill for lack of interest. We have been advertising for the position for the last several weeks with no one applying.

I am requesting that Stephanie Tully, 177 Orchard Dr., Town of Tonawanda, NY, be granted a residency waiver and be approved to be hired as a police matron effective immediately.

Stephanie is currently an auxiliary police officer for our department as has successfully completed a background check.

There is no additional cost to the city as the position is already in the budget.

Please consider this request as it relates to section 73B-4 below.

§73B-4 Waiver of requirements.

A. In the event that the City determines that it is in the best interest to do so, the provisions of §73B-3 may be waived with respect to either an incumbent or a prospective employee of a particular title in accordance with the following standards:



(1) **Lack of qualified applicants.** The requirement of residency may be waived in those instances and circumstances where the employer has difficulty hiring or promoting the most qualified person because of its residency requirement.

(2) **Necessity for nonresidents.** The requirement of residency may be waived in those instances where it is determined that residency is not in the best interest of the municipality as, for example, the responsibilities of an employee for the City might be best fulfilled by permitting residency to be located outside of the geographical boundaries of the municipality.

(3) **Necessity because of illness of a family member.** The requirement of residency may be waived in those instances and circumstances where the employee must take care of an immediate family member who has a serious illness or is disabled and resides outside of the geographical boundaries of the municipality.

**B.** Said application may be granted only by a majority vote (three votes) of the entire Common Council.

Respectfully submitted,  
Thomas E. Krantz  
Chief of Police

**MOVED** by Alderman Lavey                      **SECONDED** by Alderman Loncar  
That the Common Council hereby grants permission to waive the residency requirement, so the Police Department can hire Stephanie Tully, 177 Orchard Dr, Town of Tonawanda, as the new Police Matron, for the North Tonawanda Police Department.

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

Nays: None (0)

**CARRIED.**

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**XIV. Dir. Youth, Recreation, Parks & Seniors**

**March 10, 2022**

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

Dear Mayor Tylec and Common Council,

After issuing a RFP to solicit proposals for the commercial lease of 50ft of dock space to continue to promote our downtown corridor and attract people to our wonderful city; we are prepared to award WNY Donut BBQ LLC the space based on their attached proposal.

As outlined in the RFP the 50 foot of dock space will be located at the eastern end of the harbor adjacent to the Niagara River Cruises commercial dock space. My suggestion is that the design specifications for attachment method of their floating docks be submitted and reviewed by our City Engineer. We would also need to see approval from the NYS Canal Corp Authority prior to any installation and approval. Our department will work with the City Attorney's office to write up the lease agreement.

If you find this proposal acceptable, I ask that you approve the proposal under the conditions that WNY Donut BBQ LLC meets all the above-mentioned requirements including approval of design specifications for dock attachment, along with written approval and permitting from the NYS Canal Corp Authority. Initial approval of their proposal will allow WNY Donut BBQ LLC to begin the permitting process with NYS Canal Corporation.



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

**MOVED** by Alderman Schmigel      **SECONDED** by Alderman Lavey  
 That the Common Council hereby approves the proposal from WNY Donut BBQ, LLC for the commercial lease of 50ft of dock space adjacent to the Niagara River Cruises commercial dock space. Approval is contingent upon the review by the City Engineer and written approval and permitting from the NYS Canal Corop Authority

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

Nays: None (0)

**CARRIED.**

## XVII. Traffic Safety

February 28, 2022

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

### Traffic Safety Minutes:

The February 2022 meeting of the North Tonawanda Traffic Safety Committee was called to order at 1800 hours. Roll call showed the following members present: R. Frank, J. Sikora, M. Meisenburg, M. Lemke, M. Anastasi. The minutes from the previous meeting were read and accepted, the following new concerns/requests were discussed, and recommendations made.

- 1) The traffic Safety Committee received a letter from the parents at Matt's Music requesting a blinking light and Auxiliary Police Officers at their crosswalk. Unfortunately, neither of these options are viable which was explained in the January minutes. Member Frank attended a Common Council workshop to advise them of the concerns and changes that have been made over the past couple of years. Frank has also talked to the owner of Matt's Music, Kathy Carr, to give her options for signs and grants moving forward. The committee will continue to work with Carr and city officials on different options for the crosswalk.
- 2) Ken Gerbasi of Oakwood Terrace requested that the stop sign be put back up at Maple Terrace. Member Frank, NTPD traffic and patrol officers monitored Oakwood Terrace and kept track of the times of day, number of vehicles, direction, and speeds of vehicles. Each vehicle was documented and is available upon request. The findings for Oakwood terrace don't support putting the stop sign back up. The lone accident on Oakwood terrace was in the middle of the night and had other extenuating circumstances. Below is some of the data taken.
 

|                                  |   |
|----------------------------------|---|
| - Daytime (3 different days)     | 66 total vehicles (4 vehicles over 30MPH)   |
| Average Speed of 24.0 MPH        | High Speed of 32 MPH                        |
| - Nighttime (3 different nights) | 190 total vehicles (25 vehicles over 30MPH) |
| Average speed of 24.7 MPH        | High Speed of 38 MPH                        |
- 3) Thalia Mercado-Spencer of 1 Center Avenue requesting an Autism sign in front of her residence for her son. Spencer attached a notification from the Department of Health. The committee requests permission from the Common Council to have an Autism sign installed.
- 4) Emily Seymour requested that signs be posted for opposite side parking in front of the Rainbow Roller Rink. The request is to make it easier for driver visibility. There are currently "No Parking" signs in front of the Roller Rink and across the



street for this same reason. Member Frank will advise patrols to watch for vehicles parking in these spots.

- 5) In January, councilman Loncar had a request to take down the light at Payne Avenue and Christiana Street. The committee monitored the intersection and is requesting council approval to take down the stop light at the intersection and have stop signs placed on both sides of Christiana Street. Member Meisenburg would have extra signage placed with the stop signs to advise drivers that the stop signs are new, and that traffic no longer stops on Payne Avenue. There would also be "No Parking" signs put up at the corners to help with visibility. This intersection will be monitored by the committee after the transformation to check on the flow of traffic.

Meeting adjourned at 1915 hours

Travel safely,  
Robert J. Frank

MOVED by Alderman Loncar                      SECONDED by Alderman Lavey  
That the Common Council hereby approves Traffic Safety recommendation #3 and #5 and receives and files the Traffic Safety minutes from their February meeting.

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

Nays: None                      (0)

CARRIED.

#### XXV. Monthly Reports

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

MOVED by Alderman Pecoraro                      SECONDED by Alderman Schmigel  
That the Common Council hereby receives and files the aforementioned Monthly Reports.

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

Nays: None                      (0)

CARRIED.

### COMMUNICATIONS FROM OTHERS

A.  
Project Pride

February 25, 2022

Mrs. Donna Braun, City Clerk  
City of North Tonawanda  
216 Payne Avenue  
North Tonawanda, NY 14120

Dear Mrs. Braun,

We are requesting permission from the city council to hold two fundraising events on the campus of the North Tonawanda City Market located at 365 Payne Avenue.

Saturday, July 30, 2022

NT City Market Hoedown featuring square and line dancing

6:30 pm – 10:30 pm

Fee - \$20.00 per person or \$150 per square (8 guests)

Entertainment: live music and recorded song with live square dance caller



**Food & Beverage:** Guests will be able to purchase food, beverage, beer and wine from licensed vendors. All vendors will meet the state and local licensing & insurance requirements. Guests will have the option to bring their own snacks and refreshments. Coolers and outside alcoholic beverages will not be permitted.

**Sunday, August 28, 2022**

**2<sup>nd</sup> Annual Farm to Table Dinner Artisans Block Party**

**5:00 pm and 10:00 pm**

**Fee \$85.00 per person**

**Entertainment:** The campus for the event will include plein air painters, musicians, including covered and tented area that will host the Farm to Table dinner seating for up to 250 guests. A portion of the proceeds from the "Farm to Table Artisans Block Party" will be donated to Project Pride & the Carnegie Art Center.

**Food & Beverage:** Catered & Sponsored by Webster's Bistro & Bar

Project Pride will work directly with the market clerk and the city clerk's office on all final logistics for the event with a full communication of details and specific activities related to each event. Thank you in advance for your consideration and approval of our request.

Sincerely,  
Barbara Hughes  
President, Project Pride

**MOVED by Alderman Lavey**

**SECONDED by Alderman Loncar**

**That the Common Council hereby approves of the following requests from Project Pride to hold their events at the City Market lot, located at 365 Payne Avenue:**

**Saturday, July 30, 2022**

NT City Market Hoedown featuring square and line dancing

6:30 pm – 10:30 pm

Fee - \$20.00 per person or \$150 per square (8 guests)

Entertainment: live music and recorded song with live square dance caller

Food & Beverage: Guests will be able to purchase food, beverage, beer and wine from licensed vendors. All vendors will meet the state and local licensing & insurance requirements. Guests will have the option to bring their own snacks and refreshments. Coolers and outside alcoholic beverages will not be permitted.

**Sunday, August 28, 2022**

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**5:00 pm and 10:00 pm**

**Fee \$85.00 per person**

Entertainment: The campus for the event will include plein air painters, musicians, including covered and tented area that will host the Farm to Table dinner seating for up to 250 guests. A portion of the proceeds from the "Farm to Table Artisans Block Party" will be donated to Project Pride & the Carnegie Art Center.

Food & Beverage: Catered & Sponsored by Webster's Bistro & Bar

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

**(4)**

**Nays: None**

**(0)**

**CARRIED.**

**B.**

**Oliver Street Merchants Association**

**February 28, 2022**

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



**Re: Heritage Park Oliver Street Merchants Association Pride Festival/  
Flag Raising**

**Dear Honorable Body:**

The Oliver Street Merchants Association is seeking permission to utilize Heritage Park (166 Oliver Street) from Oliver to Vandervoort Street on Saturday, June 18<sup>th</sup> from 9-6pm. We successfully held this Festival last year and the park was meticulously cleaned up before and after the event. We are hoping to host 50 vendors, as well as have local business/food vendors/entertainers at this event. We had several different local community groups participate last year such as the NT Rec center, the Vintage Fire truck, NT Peacemakers to name a few. This was a great opportunity to show the community that we are diverse and this is a safe place for all of our residents. Perhaps one of the most significant things that happened, besides the couple thousand people that attended, was the Pride community that thanked us in tears for doing this as they never thought in a million years, they would see this in North Tonawanda.

As a kick off to the festival we would like to raise a flag at the approach of the park (at the gate), where last year one of the horse poles was turned into a flag pole. The flag will only fly during the event and be taken down that evening. In addition, we will need the city to provide extra trash cans to be spread throughout the park, as well as the stage for our DJ to play for the entertainment we have lined up this year. We are hoping to have a small portion of Vandervoort Street closed so people can safely cross the street to get to the vendors on the other side of the road.

Last year this event raised OSMA's bank account \$4,000 for us to funnel back into the street, but the most notable accomplishment was we were able to hire a lawyer to officially make us a 501c3 which allows us to go after grant funding. I look forward to speaking with you and answering any questions that you may have.

Sincerely,  
Lauren Schulte  
Oliver Street Merchant Association President

**MOVED** by Alderman Lavey                      **SECONDED** by Alderman Loncar  
That the Common Council hereby grants permission to the Oliver Street Merchants Association to hold their Pride Festival/Flag Raising at Heritage Park on Saturday, June 18, 2022 from 9am to 6pm, and directs the DPW, Police Department and Parks Department to provide the necessary requirements for said event.

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

Nays: None (0)

**CARRIED.**

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C.  
Daniel Bacon, Jr.

March 9, 2022

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

**Re: Banner Request**

My name is Daniel Bacon, Jr., I own Custom Life of WNY, Inc. where I print apparel, stickers, banners, just to name a few. One of my clients is Dom Polski located at 576 Oliver St., North Tonawanda, NY 14120. They would like to have a banner made and hung across the street in front of, or close to them, between 2<sup>nd</sup> Avenue and 3<sup>rd</sup> Avenue from March 16, 2022 until March 23, 2022.

Thank you for your time and consideration.



Daniel Bacon, Jr.  
Custom Life of WNY, Inc.

**MOVED** by Alderman Schmigel                      **SECONDED** by Alderman Pecoraro  
That the Common Council hereby grants approval for Dom Polski to display a banner across Oliver Street between 2<sup>nd</sup> and 3<sup>rd</sup> Avenue, from March 16 – March 23, 2022, to advertise their Dingus Day Celebration event, Council also directs the Department of Public works to set up said banner.

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

Nays: None (0)

**CARRIED.**

**D.**  
**WNY PRISM's Boat Steward Program**

March 10, 2022

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

**Re: Letter of Intent for WNY PRISM's Boat Steward Program**

**Honorable Body:**

The Boat Stewards perform voluntary boat inspections to remove visible aquatic plants and animals from all types of watercraft. Removal of aquatic plants and animals will help to prevent the transport and spread of aquatic invasive species. Stewards will also be responsible for public education and distribution of educational materials. The stewards will work Thursday – Sunday's and holidays from Memorial Day weekend to Labor Day. They work four 10-hour days from 7:00am-5:30pm beginning Memorial Day weekend through Labor Day weekend. The stewards work remotely and will be visited periodically by Lead Stewards who are their direct supervisors. I coordinate the program full-time and two seasonal Lead Stewards help supervise our 16 seasonal Boat Stewards.

We are requesting to station boat stewards at the following City of North Tonawanda locations: the North Tonawanda Botanical Gardens boat launch, the Gratwick Riverside Park boat launch, and the Gratwick Riverside Marina.

The stewards set up a small foldable table which they keep education and outreach materials on and a lawn chair. They spend most of their time walking throughout the park interacting with boaters, giving a brief survey, looking for aquatic invasive species and educating the general public. 2022 will be the 4<sup>th</sup> year of operation for this program.

This program is funded through contracts with the NYS DEC. these contracts give us the funds to run the program, but we remain a local non-for-profit organization housed within SUNY Buffalo State's Research Foundation.

Regards,  
Nicole Smeenk

**MOVED** by Alderman Pecoraro                      **SECONDED** by Alderman Lavey  
That the Common Council hereby grants approval for the Research Foundation of SUNY/Buffalo State to conduct their WNY PRISM's Boat Steward Program at Gratwick Riverside Park boat launch, Gratwick Riverside Marina and Botanical Gardens boat launch, Thursday-Sunday from 7:00am-5:30pm beginning on Memorial Day weekend through Labor Day weekend, all necessary insurance/liability must be submitted to the City Attorney's Office.

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

Nays: None (0)

**CARRIED.**



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**AUDIENCE PARTICIPATION**

**Barb Barrett, 780 Castlebar Drive** – Was concerned about the service flags at the City Market because they are all faded.

**Darleen Bolsover, 1337 Sweeney Street** – Congratulated Keith Glass for the Police Chief position. Asked where the police matron job was posted, also asked how are the waterlines at the Boathouses being paid for.

**Louis Sedia, 176 DiMatteo Drive** – Was asking questions about the Boathouse Leases.

**Deborah Gondek, 257 Brentwood Drive** – Was questioning the flooding issues and what the council is feeling on the DigiHost water use, in light of the condition of the wastewater plant.

**John Hahn, 1181 Sherwood Avenue** – Wanted to know if the water issues had anything to do with DigiHost because he recently has flooding in his basement.

**Joe Midura, 115 10<sup>th</sup> Avenue** – Questioned the Mayor on how there is supposed to be transparency but there is lack of information about DigiHost, the Boathouses and the Wastewater Treatment Plant.

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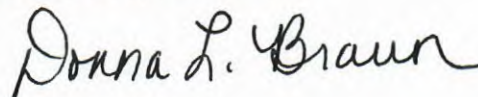
**ADJOURNMENT**

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

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**Time of Adjournment: 7:49 P.M.**

Respectfully submitted,



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