THE HONORABLE BODY Council Chambers Municipal Building North Tonawanda, New York 14120 Tuesday, May 3, 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

<u>Nick Csizmar, 771 Remington Drive</u> – Wants to petition the Council not to enter into the agreement with the school district on installing bus cameras.

<u>Darlene Bolsover, 1337 Sweeney Street</u> – Was questioning the naming of the Sweeney Street Development.

APPROVAL OF THE MINUTES OF THE REGULAR SESSION APRIL 19, 2022

MOVED by Alderman DiBernardoSECONDED by Alderman SchmigelThat the minutes of the regular session held April 19, 2022, be approved as circulated andfiled in the Office of the City Clerk.Ayes:Alderman Schmigel, DiBernardo, Lavey, Loncar, PecoraroNays:None(0)CARRIED.

PROOF OF PUBLICATION PUBLISHED 4/1/2022 & 4/08/2022

1) Legal Notice – Treasurer's Notice for the Collection of the 2022 City Taxes – City Clerk-Treasurer

PROOF OF PUBLICATION PUBLISHED 4/13/2022

1) Legal Notice – Local Planning Committee to discuss the City's Downtown Revitalization Initiative – Dir. Community Development

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

COMMUNICATIONS FROM CITY OFFICIALS

I.1 Mayor

April 26, 2022

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

Re: Appointment of Commissioner of Deeds

Dear Honorable Body:

I am requesting that Angela R. Johnson, residing at 861 Thomas Fox Drive West, North Tonawanda, NY 14120, be appointed as a Commissioner of Deeds for the City of North Tonawanda.

Respectfully, Austin Tylec Mayor

MOVED by Alderman LaveySECONDED by Alderman LoncarThat the Common Council hereby appoints Angela R. Johnson, 861 Thomas Fox Dr, (W),
North Tonawanda, NY 14120 as a Commissioner of Deeds for the City of North
Tonawanda effective May 4, 2022 and ending May 3, 2024.
Ayes: Alderman Schmigel, DiBernardo, Lavey, Loncar, Pecoraro(5)
(0)
(0)Nays: None(0)
(0)

I.2 Mayor

April 18, 2022

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

Re: NTHS and City of North Tonawanda – Camera Resolution

Dear Honorable Body,

In conjunction with the North Tonawanda School system, I am recommending the City approve an agreement to install and monitor safety cameras on all school buses transporting North Tonawanda students.

The attached resolution has been discussed with both our Chief of Police and the Superintendent of NT Schools, to increase safety for our students and the public.

Thank you for your consideration with this matter.

Respectfully, Austin J. Tylec Mayor

MOVED by Alderman DiBernardo SECONDED by Alderman Pecoraro That the Common Council hereby approves the declaration between the City of North Tonawanda and the NT High School to install and monitor safety cameras on all school buses, City Attorney needs more research before final resolution.

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

IV. Engineer

April 27, 2022

Austin J. Tylec, Mayor and Common Council Members **City Hall 216 Payne Avenue** North Tonawanda, New York 14120

Re: Project 2021-03 City Market Improvements Award of Contract

Dear Honorable Body:

On April 26, 2022, four (4) bids were received and opened by the City Clerk for the City Market Improvements Project. The results are as follows:

Total Base Bid:

Total	Jase Dia.	
1.	4 th Generation Construction, Inc.	\$103,684.00
2.	Milherst Construction, Inc.	\$109,200.00
3.	Louis Del Prince & Sons, Inc.	\$128,765.00
4.	Pinto Construction Services, Inc.	\$208,700.00
Total I	Base Bid and Alternate:	
1.	Milherst Construction, Inc.	\$148,775.00
2.	4 th Generation Construction, Inc.	\$157,189.00
3.	Louis Del Prince & Sons, Inc.	\$169,863.00
4.	Pinto Construction Services, Inc.	\$272,500.00

The Engineering Department has reviewed the bid results and are recommending award of the Contract. Accordingly, I respectfully request that the Common Council award the City Market Improvements Project Contract to Milherst Construction, Inc., 10025 County Road, Clarence Center, NY 14032, at their low Base Bid and Alternate amount of \$148,775.00; authorizing the Mayor to sign said contract subject to review by the City Attorney.

> Very truly yours, Chelsea L. Spahr, P.E.

SECONDED by Alderman Schmigel **MOVED by Alderman DiBernardo** That the Common Council hereby awards the City Market Improvements Project 2021-03 Contract to Milherst Construction, Inc., 10025 County Road, Clarence Center, NY 14032, at their low Base Bid and Alternate amount of \$148,775.00 and authorizes the Mayor to sign said contract, subject to review by the City Attorney. Ayes: Alderman Schmigel, DiBernardo, Lavey, Loncar, Pecoraro (5) Nays: None

CARRIED.

V.1 Supt. Water/Wastewater

April 27, 2022

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

(5)

(0)

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(5) (0)

Re: Approval of Payment Application for WWTP Phase 1 Upgrade Project (EFC – Funding Disbursement #17)

Honorable Body:

I respectfully request that you approve the following Pay Application for work performed under the WWTP Phase 1 Upgrade Contract. Wendel Engineering and I have reviewed and approve this work.

John W. Danforth Company Pay App #9 \$3,245.00

The city does not have to issue purchase orders for payment at this time. This work is being funded through the NY State WIIA Grant and NY State Environmental Finance Center (EFC) loan.

With your approval Rotella Grant Management will submit this request to the EFC on the city's behalf. The EFC will then send us the funds to pay these contractors. Thank you for your time and consideration of my request.

Sincerely, Jason W. Koepsell Supt. Water/Wastewater

MOVED by Alderman DiBernardo SECONDED by Alderman Loncar That the Common Council hereby approves the following Pay Application for work performed under the WWTP Phase 1 Upgrade Project:

John W. Danforth Company Pay App #9 \$3,245.00

Council also gives permission to Rotella Grant Management to submit this request to the NY State Environmental Finance Center ("EFC") on the City's behalf, subject to review by the City Attorney.

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

V.2 Supt. Water/Wastewater

April 28, 2022

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

> Re: Approval of Engineering Invoices for WTP Phase 1 Upgrade Project (EFC- Funding Disbursement # 1)

Honorable Body:

I respectfully request that you approve the following invoices for work performed under the WTP Phase 1 Upgrade Contract. Arcadis Engineering and I have reviewed and approve this work.

Arcadis August 2020 Invoice	93,730.00
Arcadis October 2020 Invoice	84,743.81
Arcadis November 2020 Flex Tech Study Invoice	21,500.00
Arcadis February 2021 Invoice	89,236.91
Harris Beach PLLC Bond Council	7,222.29

The city does not have to issue purchase orders for payment at this time. This work is being funded through a NY State WIIA Grant and NY State Environmental Finance Center (EFC) loan.

With your approval Rotella Grant Management will submit this request to the EFC on the city's behalf. The EFC will then send us the funds to pay these contractors. Thank you for your time and Consideration of my request

Sincerely, Jason W. Koepsell Supt. Water/Wastewater

MOVED by Alderman DiBernardo SECONDED by Alderman Pecoraro That the Common Council hereby approves the following Pay Applications for work performed under the WTP Phase 1 Upgrade Project:

Arcadis August 2020 Invoice	93,730.00
Arcadis October 2020 Invoice	84,743.81
Arcadis November 2020 Flex Tech Study Invoice	21,500.00
Arcadis February 2021 Invoice	89,236.91
Harris Beach PLLC Bond Council	7,222.29

Council also gives permission to Rotella Grant Management to submit this request to the NY State Environmental Finance Center ("EFC") on the City's behalf, subject to review by the City Attorney.

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

VII.1 Accountant

April 28, 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 May 3rd, 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 May 3, 2022, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$399,281.61
02	Water Fund	26,888.64
04	Sewer Fund	80,680.13

06	Capital Project Fund	178,939.21
07	Trust & Agency Fund	11,107.35
81	CD – Comm. Dev.	30,000.00
00	Final Total	\$ <u>726,896.94</u>

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

VII.2 Accountant

April 28, 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 Article V, Division 2, Section 5.023 and Section 2.2 of the Budgetary Transfer Policy, please authorize the City Accountant to make the following amendment of fiscal year 2021 appropriations, based on the request of the Department Head, copy attached.

Dollar Amount	/Increase Account	Increase Revenue Account
\$155,000	001.5110.0480	001.1000.3789
	Maintenance of Streets - Operations	Other State Aid

Reason: DASNY SAM Grant Project ID 24185 is awarded to the City of North Tonawanda for the purchase of an inspection camera, and a Brush Chipper

Warm regards, Jeffrey Zellner City Accountant

MOVED by Alderman Pecoraro SECONDED by Alderman DiBernardo That the Common Council hereby authorizes the City Accountant to make the following Budgetary Transfer of fiscal year 2021 appropriations, based on the request of the Department Head:

Dollar Amount	/Increase Account	Increase Revenue Account
\$155,000	001.5110.0480	001.1000.3789
	Maintenance of Streets - Operations	Other State Aid
Ayes: Aldern Nays: None	nan Schmigel, DiBernardo, Lave	y, Loncar, Pecoraro

XXV. Monthly Reports

.1 Police Department

CARRIED.

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

6

(5) (0)

> (5) (0)

COMMUNICATIONS FROM OTHERS

7

A. Canal Fest of the Tonawandas, Inc.

April 12, 2022

Honorable President Robert Pecoraro Council President North Tonawanda City Hall 216 Payne Avenue North Tonawanda, NY 14120

Dear President Pecoraro,

As discussed in last Thursday workshop the Canal Fest is planning this years event we are planning 2 options.

1 being with the rides being on Main Street if the State DOT allows the road closure and option 2 not having the rides on Main Street.

Canal Fest looks forward to another successful event for our membership and the Twin Cities. North Tonawanda has always contributed to this success, and we hope to maintain our good working relationship for may years to come. Should the state not allow us to use Main Street we will still be planning an event without the rides.

Thank you for your time and consideration of our requests.

Respectfully, Peter R. Chenier, President

MOVED by Alderman PecoraroSECONDED by Alderman LoncarThat the Common Council hereby grants permission to the Canal Fest of the Tonawandas,
Inc. to hold their annual Canal Fest Sunday, July 17, 2022 to Sunday, July 24, 2022 with
provisions outlined in updated agreement submitted to the City Attorney's Office between
City of North Tonawanda and Canal Fest of the Tonawandas, Inc.
Ayes: Alderman Schmigel, DiBernardo, Lavey, Loncar, Pecoraro(5)
(0)Nays: None(0)CARRIED.

B. Greenman-Pedersen, Inc.

April 25, 2022

Lori Swartz Department of Clerk North Tonawanda 216 Payne Avenue North Tonawanda, NY 14120

Re: Street Name Approval – Sweeney Street Subdivision

Dear Ms. Swartz:

The developer for the Sweeney Street subdivision is seeking approval of street names for two new proposed streets associated with the development. The following names are proposed for the new streets:

- Cardinal Way

- Collins Court

These street names are intended to be assigned as indicated in the image to the left. We request that review of the names occur during the next available Board meeting.

Please direct any questions to me at 989-3342. Thank you for your consideration in this matter.

Sincerely, Kenneth C. Zollitsch Director of Land Planning

MOVED by AldermanLaveySECONDED by AldermanPecoraroThat the Common Council hereby approves the names of Cardinal Way and Collins Courtfor the Sweeney Street Subdivision, submitted from Greenman-Pedersen, Inc.Ayes:Alderman Schmigel, DiBernardo, Lavey, Loncar, Pecoraro(5)Nays:None(0)CARRIED.

AUDIENCE PARTICIPATION

<u>Darlene Bolsover, 1337 Sweeney Street</u> – Questioned the open meeting law, the DigiHost wall and wanted to know if the City is looking into the flooding in the area of 1326 Sweeney Street.

Peter Chenier, 666 Eddy Drive - Thanked the Council for approving the Canal Fest.

<u>Nick Csizmar, 771 Remington Drive</u> – Asked about the condition of Ridge Road by the Food Pantry.

<u>Carl Bauer, 1066 E. Robinson Street</u> – Was also concerned about the Ridge Road condition.

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: 7:19 P.M.

Respectfully submitted,

onna L. Brauk

Donna L. Braun City Clerk-Treasurer