

**THE HONORABLE BODY  
Council Chambers  
Municipal Building  
North Tonawanda, New York 14120  
Tuesday, August 2, 2022  
6:30 P.M.**

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**REGULAR SESSION CALLED TO ORDER BY PRESIDENT PECORARO**

**PLEDGE OF ALLEGIANCE**

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**ROLL CALL**

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

**Absent:** Alderman Lavey

**Also Present:** Mayor Austin J. Tylec  
City Attorney Edward Zebulske III

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**AUDIENCE PARTICIPATION - None**

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**APPROVAL OF THE MINUTES OF THE REGULAR SESSION JULY 19, 2022**

**MOVED** by Alderman Schmigel          **SECONDED** by Alderman DiBernardo  
That the minutes of the regular session held July 19, 2022, be approved as circulated and  
filed in the Office of the City Clerk.

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

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**PROOF OF PUBLICATION PUBLISHED 7/13/2022**

- 1) **Legal Notice – Request for Proposals for an Administrator for Community Choice Aggregation Administrator – Mayor**

**PROOF OF PUBLICATION PUBLISHED 7/16/2022**

- 1) **Legal Notice – Request for Proposals for Aquatic & Heavy-Duty Towing Agency – Police Chief**

**PROOF OF PUBLICATION PUBLISHED 7/22/2022**

- 1) **Legal Notice – Notice of Intent to Request Release of Funds to the NYS Office of Community Renewal to Provide Financing for cost of new Machinery and Equipment and Working Capital Expenses to Canalside Harbor 2013 LLC (Dockside) - Mayor**

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

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

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**COMMUNICATIONS FROM CITY OFFICIALS****I.1 Mayor****July 19, 2022****North Tonawanda Common Council  
City Hall  
216 Payne Avenue  
North Tonawanda, NY 14120****Re: New Appointment – Bingo Inspector****Dear Honorable Body,**

**Please be advised that I am appointing Benson Lew, 361 Walck Road, North Tonawanda, NY 14120 as the Bingo Inspector effective August 1, 2022, who is replacing Brian Wudyka who resigned effective July 31, 2022.**

**Benson Lew’s term will expire December 31, 2022.**

**Thank you.**

**Sincerely,  
Austin J. Tylec  
Mayor**

**MOVED by Alderman DiBernardo      SECONDED by Alderman Schmigel  
That the Common Council hereby receives and files the appointment of Benson Lew 361  
Walck Road, as Bingo Inspector, effective August 1, 2022 and expiring December 31, 2022.  
Ayes: Alderman Schmigel, DiBernardo, Loncar, Pecoraro (4)  
Nays: None (0)  
CARRIED.**

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**I.2 Mayor****July 28, 2022****North Tonawanda Common Council  
City Hall  
216 Payne Avenue  
North Tonawanda, NY 14120****Re: Community Choice Aggregate – Administrator Proposal****Dear Honorable Body,**

**After we issued the Request for Proposal for an Administrator of the Community choice Aggregate, we received one proposal from Joule Assets, Inc.**

**I would like to recommend the City of North Tonawanda award Joule as our Administrator for the program. As a reminder, the Administrator will assist the city in educating residents on the Community Choice Aggregate program and assist the city with a RFP to find competitive energy providers for residents & businesses throughout North Tonawanda.**

**Thank you for your consideration.**

Respectfully,  
Austin J. Tylec  
Mayor

**MOVED by Alderman Pecoraro          SECONDED by Alderman DiBernardo**  
That the Common Council hereby awards Joule as the Administrator for the Community Choice Aggregate program.

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

**Nays: None          (0)**

**CARRIED.**

## II. Attorney

July 21, 2022

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

**Re: Proposed Agreement between City of North Tonawanda and James L. Collins,  
Sr. for Transfer of Property for Sweeney Street Subdivision**

**Dear Honorable Body:**

Attached, for your consideration, is a proposed Agreement for the transfer of certain real property adjacent to lands owned by developer James L. Collins, Sr. for completion of a 47-lot subdivision. The lands in question are part of the old state ditch right-of-way and are no longer needed for public purpose.

Should your Honorable Body concur, please pass a resolution authorizing the Mayor to execute the agreement on behalf of the City of North Tonawanda, 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 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 August 2, 2022, a resolution for an Agreement between City of North Tonawanda and James L. Collins, Sr. for Transfer of Property for Sweeney Street Subdivision was proposed and reads as follows:

**THIS AGREEMNT** made as of this 2<sup>nd</sup> day of August 2022, by and between JAMES L. COLLINS, SR., with offices at 10025 County Road, Clarence Center, New York, 14032, (“COLLINS”), and the CITY OF NORTH TONAWANDA, a New York municipal corporation with offices at 216 Payne Avenue, North Tonawanda, New York 14120, (“CITY”):

**WHEREAS**, the CITY is the current owner of record of a certain paper street and ditch depicted on the attached sketch labeled as Exhibit A that runs through and is adjacent to lands owned by COLLINS that is currently subject to City approvals for a 47-lot subdivision.

**WHEREAS**, said land depicted on Exhibit A is no longer needed for public purpose and, pursuant to Chapter 31A-1 of the City Code, may be allowed to revert to the adjacent property owner, provided that all costs with respect to such transfer shall be borne by the transferee of any such property.

**WHEREAS**, the CITY shall transfer said lands to COLLINS and COLLINS agrees to bear any and all expense relating to the transfer of said lands.

WHEREAS, COLLINS agrees to dedicate each road in said subdivision to the CITY as depicted in the subdivision plan attached as Exhibit B.

NOW, FOR GOOD AND VALUABLE CONSIDERATION, it is understood that the CITY and COLLINS agree that the lands depicted on Exhibit A shall be transferred by the CITY to COLLINS pursuant to Chapter 31A-1 of the City Code.

IN WITNESS WHEREOF, Seller and Buyer have caused this Agreement to be signed as of this 2<sup>nd</sup> day of August 2022 (the "Effective Date").

Subject to further review by the City Attorney.

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

Nays: None (0)

CARRIED.

VII.1 Accountant

July 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 August 2<sup>nd</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 DiBernardo  
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated August 2, 2022, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$390,201.22
02	Water Fund	\$41,787.93
04	Sewer Fund	\$50,657.68
06	Capital Project Fund	\$25,514.14
07	Trust & Agency Fund	<u>\$4,443.19</u>
00	Final Total	<u>\$512,604.16</u>

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

Nays: None (0)

CARRIED.

## VII.2 Accountant

July 27, 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.

<u>Dollar Amount</u>	<u>Decrease/Increase Account</u>	<u>Increase Appropriation Account</u>
\$4,500	001.7110.0440 Parks – Buildings and grounds	001.7110.0420 Parks – Repairs and Maintenance
\$1,200	001.7140.0480 Sport and Recreation – Operations	001.6772.0440 Senior – Center Building and grounds

Reason: Cover expenses for equipment repairs and truck maintenance expenses. Also to cover expenses for building safety improvements (senior center)

Warm regards,  
 Jeffrey Zellner  
 City Accountant

**MOVED** by Alderman DiBernardo      **SECONDED** by Alderman Schmigel  
 That the Common Council hereby authorizes the City Accountant to make the following Budgetary Transfers of fiscal year 2022 appropriations, based on the request of the Department Heads:

<u>Dollar Amount</u>	<u>Decrease/Increase Account</u>	<u>Increase Appropriation Account</u>
\$4,500	001.7110.0440 Parks – Buildings and grounds	001.7110.0420 Parks – Repairs and Maintenance
\$1,200	001.7140.0480 Sport and Recreation – Operations	001.6772.0440 Senior – Center Building and grounds

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

## X.1 Police Chief

July 15, 2022

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

Dear Honorable Body:

Would you please reappoint Ryan T. Follendorf of 3891 Ontario Drive, North Tonawanda, NY 14120 as Commissioner of Deeds for the City of North Tonawanda beginning August 5, 2022, and ending August 4, 2024.

Respectfully,  
 Keith T. Glass  
 Chief of Police

08-02-2022

**MOVED by Alderman Loncar**                      **SECONDED by Alderman Pecoraro**  
**That the Common Council hereby reappoints Ryan T. Follendorf, 3891 Ontario Drive, North Tonawanda, NY 14120 as Commissioner of Deeds for the City of North Tonawanda effective August 5, 2022 and ending August 4, 2024.**

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

**X.2 Police Chief**

July 26, 2022

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

**Dear Honorable Body,**

I am requesting the council approve a contract renewal for John's Towing for towing services for aquatic vehicles that are located on the waterways and vehicles over 10,000 pounds that are involved in accidents, abandoned during natural emergencies and police impounds. The current contract we have with John's Towing expired on June 30, 2022, at 11:59pm.

A request for formal bids was released to the public, with a deadline date of July 26<sup>th</sup>, 2022. The only bid we received was from John's Towing and we would like to accept their bid.

We have been happy with the services provided throughout the previous contract with John's Towing and I would ask for a renewal of their contract, including updated pricing (attached) with an expiration date of June 30, 2024, at 11:59pm.

Respectfully,  
**Keith Glass**  
**Chief of Police**

**MOVED by Alderman Loncar**                      **SECONDED by Alderman DiBernardo**  
**That the Common Council hereby approves the contract renewal for towing services for aquatic vehicles on the waterways and vehicles over 10,000 pounds, with John's Towing per their attached pricing, effective July 1, 2022 and expiring June 30, 2024 at 11:59pm, subject to review by the city Attorney.**

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

**X.3 Police Chief**

July 28, 2022

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

**Dear Honorable Body,**

I am requesting permission to reclassify the clerk position (a group 1 position) in the police department to senior typist (a group 4 position). I have spoken to the Niagara County Civil Service Department about this request, and they are in agreeance that the duties being performed by our current clerk, Allison Sabo, fall better in line with the job description of

senior typist. Allison is performing the duties that were previously performed by Suzanne DeMonte when Suzanne held this group 4 position.

Senior Typist is equivalent to a clerical II position in the county and Allison Sabo is in the top three of the North Tonawanda resident eligible promotion list for that position. Reclassifying this position will cause an increase of \$6,498 in her yearly salary. Thank you for your consideration in this matter.

Per CSEA contract, this position was posted for 5 working days, with Allison being the only applicant.

Respectfully,  
Keith Glass  
Chief of Police

**MOVED** by Alderman Pecoraro                      **SECONDED** by Alderman DiBernardo  
That the Common Council hereby grants permission to reclassify the clerk position (a group 1 position) in the police department to senior typist (a group 4 position).  
Ayes: Alderman Schmigel, DiBernardo, Loncar, Pecoraro                      (4)  
Nays: None                      (0)  
**CARRIED.**

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**XI. Fire Chief**

July 27, 2022

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

**Re: Appointment of Firefighter**

**Dear Honorable Body:**

In accordance with the City Charter of the City of North Tonawanda, and pursuant to the authority vested in me by §3.002.e thereof; I make the following appointment:

**Robert K. Reeves, 157 Jackson Avenue, North Tonawanda, is appointed as a Firefighter in the North Tonawanda Fire Department.**

Due to the start date of the State Fire Academy an Oath of Office ceremony will be held after graduation from the Academy.

Very sincerely yours,  
Joseph D. Sikora  
Fire Chief

**MOVED** by Alderman Pecoraro                      **SECONDED** by Alderman DiBernardo  
That the Common Council hereby approves the appointment of Robert K. Reeves, 157 Jackson Avenue as a Firefighter for the North Tonawanda Fire Department.  
Ayes: Alderman Schmigel, DiBernardo, Loncar, Pecoraro                      (4)  
Nays: None                      (0)  
**CARRIED.**

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**XVII. Traffic Safety**

July 18, 2022

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

**Traffic Safety Minutes:**

The July 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, A. DiBernardo, D. Grinnell, R. Brennan still had a discussion regarding the couple requests that came in. the following new concerns/requests were discussed, and recommendations made.

- 1) Janet Burr requested speed enforcement around 1794 Sweeney Street. The speed sign was placed there for 2 weeks, and the traffic officer has been running radar. The police department will continue to monitor this stretch of road.
- 2) Eric Horton requested a "Deer Crossing" sign on St. Joseph Drive. The road has woods along the north side and there have been other complaints regarding this same issue in the past. The committee recommends the sign.
- 3) Member Meisenburg requests that the flashing yellow light at Main Street and Island Street be removed. The flashing yellow light is on 24 hours a day and was originally put up for businesses in that area that are no longer there. Meisenburg believes that removing it will cut down on the power being used and save the city money. The committee recommends placing an advisory sign for 30 days that informs drivers that this light will be removed. After the 30 days is up, and if there are no issues, the committee would recommend the light removal.
- 4) Member Grinnell received a request for a "No Outlet" sign at the dead end of D'Angelo Drive. This request is due to vehicles driving in the cul-de-sac and then having to turn around due to the dead end. This is a sign that should have already been posted, therefore Meisenburg will install the sign on D'Angelo Drive.

Meeting discussion from July 18<sup>th</sup>, 2022

Travel safely,  
 Robert J. Frank

**MOVED** by Alderman Loncar                      **SECONDED** by Alderman Schmigel  
**That the Common Council hereby approves Traffic Safety recommendation #2 and #4 and receives and files the Traffic Safety minutes from their July meeting.**

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

**Nays:** None                      (0)

**CARRIED.**

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**XXV. Monthly Reports****.1 Police Department**

**MOVED** by Alderman DiBernardo                      **SECONDED** by Alderman Pecoraro  
**That the Common Council hereby receives and files the aforementioned Monthly Report.**

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

**Nays:** None                      (0)

**CARRIED.**

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**AUDIENCE PARTICIPATION**

**Jack Kanack, 91 S. Meadow Dr.** – There is a noise coming from across the canal from Washington Mills and it goes on all day and night.

**Jason Gielow, 3844 Knottingwood Dr.** – Paid his boathouse lease, but doesn't want to sign the contract, he has questions about the repairs of the water line.

**Darlene Bolsover, 1377 Sweeney St.** – Asked about the transfer of ownership of property on Sweeney Street.

**Mike Gondek, 257 Brentwood Dr.** – Had questions on Bitcoin and updates on the neighborhood break ins, also no streetlights in the new development on Briarwood.

**Susan Wilkes, 329 Miller St.** – Wanted to know if there is going to be anymore new builds in the city, there has been a lose of 5,000 people, and is the tree committee still in existence.

**Joe Midura, 115 10<sup>th</sup> Avenue** – Wanted to thank NTPD, NTFD and DPW for a wonderful job on the Night Out event.

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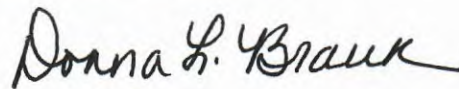
**ADJOURNMENT**

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

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**Time of Adjournment: 7:22 P.M.**

Respectfully submitted,



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