

THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, November 15, 2022
6:30 P.M.

REGULAR SESSION CALLED TO ORDER BY PRESIDENT PECORARO

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: President Pecoraro
Alderman Schmigel, DiBernardo, Loncar

Absent: Alderman Lavey

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

AUDIENCE PARTICIPATION - None

APPROVAL OF THE MINUTES OF THE SPECIAL SESSION NOVEMBER 8, 2022

MOVED by Alderman DiBernardo SECONDED by Alderman Schmigel
That the minutes of the special session held November 8, 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.

PROOF OF PUBLICATION PUBLISHED 10/27/2022

- 1) **Legal Notice – Public Hearing – To Review the Proposed Subdivision at 1144
Sweeney Street – City Attorney**
- 2) **Legal Notice – Bid Proposals for the Processing and Marketing of Recyclables –
Supt. Public Works**

PROOF OF PUBLICATION PUBLISHED 10/29/2022

- 1) **Legal Notice – Public Hearing – To Discuss the City’s Economic Development
programs, and the Funding to the NYS Office of Community Renewal’s Program
year 2022 Community Development Block Grant Economic Development Program
– Dir. Community Development**

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

Ayes: Alderman Schmigel, DiBernardo, Loncar, Pecoraro

(4)

Nays: None

(0)

CARRIED.

COMMUNICATIONS FROM CITY OFFICIALS

II. Attorney

November 8, 2022

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

**Re: Proposed Memorandum of Agreement Between CSEA Local 1000, North
Tonawanda Unit 7692, and City of North Tonawanda**

Dear Honorable Body:

Attached, for your consideration, is a Memorandum of Agreement between CSEA Local 1000, North Tonawanda, Unit 7692, and the City of North Tonawanda, to settle union grievance 2022-05, regarding personnel in the Building Maintenance Department. The MOU amends job titles in that department to align with Niagara County Civil Service titles, and also offers a small one-time stipend to compensate two of the employees in settlement of the grievance.

Should your Honorable Body concur, please pass a resolution approving the Memorandum of Agreement to align the CSEA collective bargaining agreement with Niagara County Civil Service titles, subject to any further review by the City Attorney.

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

**MOVED by Alderman DiBernardo SECONED 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 p.m. on November 15, 2022 approves the Memorandum of Agreement between CSEA Local 1000, North Tonawanda Unit 7692 and it reads as follows:**

MEMORANDUM OF AGREEMENT

The parties to this Memorandum of Agreement are the City of North Tonawanda, New York (referred to herein as "Employer") and the CSEA, Local 1000 AFSCME, AFL-CIO (referred to herein as "Union").

WHEREAS, the parties are signatories to a Collective Bargaining Agreement dated January 1, 2019 to December 31, 2023; and

WHEREAS, the Union is the bargaining representative for a negotiating unit; and

WHEREAS, the Niagara County Personnel Office/Civil Service Office has changed titles affecting three employees of the Union; and

WHEREAS, the Union filed grievance number 22-5 on April 18, 2022; and

WHEREAS, the Attorney denied said Grievance in full by decision dated May 10, 2022; and

WHEREAS, the parties have entered into this Memorandum of Agreement after good-faith discussions and agreement;

NOW THEREFORE, the Employer and the Union agree as follows:

11-15-2022

1. That the position of Building Maintenance Person/Job Group 11 as listed in paragraph 7.12 of the Bargaining Agreement be amended to Head Maintenance Person/Job Group 11.
2. That Adam Abramo be elevated to the position of Head Maintenance Person effective immediately.
3. That the position of Building Maintenance Worker/Job Group H-4 as listed in paragraph 7.21 of the Bargaining Agreement be amended in the Contract to Building Maintenance Person. Both parties acknowledge this title change was prompted by Civil Service eliminating Building Maintenance Worker title.
4. That Steven Spyra and Tyler Swartz be moved into the title of Building Maintenance Person effective immediately.
5. That in lieu of further litigation regarding Grievance 22-5 the Employer agrees to compensate Steven Spyra the sum of One Hundred Seventy-Six dollars (\$176.00) and Tyler Swartz the sum of Two Hundred Eight dollars (\$280.00).
6. That the City makes no admission or agreement relative to these employees and is of the opinion that they were not working out of title and entitled to a pay increase or back pay.
7. That, in and for this resolution of the matter, the Union agrees that this concludes the matter and they will not file for arbitration.

Subject to further review by the City Attorney.

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

Nays: None (0)

CARRIED.

III. Clerk-Treasurer

November 9, 2022

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

Re: Request for Relief on Water/Sewer Charges

Dear Honorable Body,

I respectfully ask for your decision on a request for relief from resident Robin Borzellere,

This resident resides at 1555 Ruie Road, she is asking for a reduction of her water/sewer bill, the current amount of her bill is \$5362.00 plus fees.

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

**MOVED by Alderman Pecoraro SECONDED by Alderman Schmigel
That the Common Council hereby denies the aforementioned request from Robin Borzellere, 1555 Ruie Road to forgive the \$5,362 plus fees for her water/sewer bill.**

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

Nays: None (0)

CARRIED.

IV.1 Engineer

November 1, 2022

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

Re : Project 2020-02 : Gratwick Riverside Park Picnic Shelter
 Approval of Change Order and Final Project Acceptance

Dear Honorable Body:

Approval of Change Order No.1 and final acceptance of the Gratwick Riverside Park Picnic Shelter Project is hereby requested. The change order is a deduct change order. Attached is the change order showing the balancing of the remaining general construction allowance at the end of the project.

Accordingly, I respectfully request that the Common Council approve the deduct Change Order No.1 for Gratwick Riverside Park Picnic Shelter Project in the amount of \$2,987.00 with R.B. Mac Construction, Inc. PO Box 424, Lockport, NY 14095; decreasing the contact amount from \$184,000.00; to the final contract amount of \$181,013.00; authorizing the Mayor to sign said change order. Further, that the Common Council accept this project as complete and approve the final payment subject to review by the City Attorney.

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

MOVED by Alderman Schmigel **SECONDED** by Alderman DiBernardo
 That the Common Council hereby approves the deduct Change Order No.1 for Gratwick Riverside Park Picnic Shelter Project 2020-02 in the amount of \$2,987.00 with R.B. Mac Construction, Inc. PO Box 424, Lockport, NY 14095; decreasing the contact amount from \$184,000.00; to the final contract amount of \$181,013.00; and directs the Mayor to sign said change order. Council accepts this project as complete and approves the final payment subject to review by the City Attorney.

Ayes: Alderman Schmigel, DiBernardo, Loncar, Pecoraro

(4)

Nays: None

(0)

CARRIED.

IV.2 Engineer

November 8, 2022

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

Re : Project 2020-08: Pinewoods Park Pavilion and Bathroom Improvements
 Approval of Change Order and Final Project Acceptance

Dear Honorable Body:

Approval of Change Order No.1 and final acceptance of the Pinewoods Park Pavilion and Bathroom Improvements Project is hereby requested. The change order is a deduct change order. Attached is the change order showing the balancing of the remaining general construction allowance at the end of the project.

Accordingly, I respectfully request that the Common Council approve the deduct Change Order No.1 for Pinewoods Park Pavilion and Bathroom Improvements Project in the amount of \$2,000.00 with North Spur Construction LLC., 156 Garrison Road, Buffalo, NY 14221 decreasing the contract amount from \$133,350.00; to the final contact amount of \$131,350.00; authorizing the Mayor to sign said change order. Further, that the Common Council accept this project as complete and approve the final payment subject to review by the City Attorney.

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

MOVED by Alderman DiBernardo **SECONDED** by Alderman Pecoraro
That the Common Council hereby approves the deduct Change Order No.1 for Pinewoods Park Pavilion and Bathroom Improvements Project 2020-08, in the amount of \$2,000.00 with North Spur Construction LLC, 156 Garrison Road, Buffalo, NY 14221; decreasing the contact amount from \$133,350.00; to the final contract amount of \$131,350.00; and directs the Mayor to sign said change order. Council accepts this project as complete and approves the final payment subject to review by the City Attorney.

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

VII.1 Accountant

November 10, 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 November 15th, 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 Schmigel **SECONDED** by Alderman DiBernardo
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated November 15, 2022, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$564,342.04
02	Water Fund	\$38,706.96
04	Sewer Fund	\$49,046.85
06	Capital Project Fund	\$263,974.22
07	Trust & Agency Fund	<u>\$2,898.61</u>
00	Final Total	<u>\$918,968.68</u>

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

CARRIED.

VII.2 Accountant

November 8, 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 2022 appropriations, based on the request of the Department Head, copy attached.

<u>Dollar Amount</u>	<u>Decrease Appropriation Account</u>	<u>Increase Appropriation Account</u>
\$3,000	001.7140.0480 Sport & Playgrounds - Operations	001.7310.0480 Youth Center – Operations
\$3,687	001.7180.0440 Pool – Buildings and Grounds	001.7110.0481 Parks – Tree Program
\$3,000	001.7180.0440 Pool – Building and Grounds	001.7110.0420 Parks – Repairs and Maintenance
\$5,000	001.7110.0440 Parks – Building and Grounds	001.7110.0480 Parks - Operations

**Warm regards,
Jeffrey Zellner
City Accountant**

**MOVED by Alderman DiBernardo SECONDED by Alderman Pecoraro
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 Head:**

<u>Dollar Amount</u>	<u>Decrease Appropriation Account</u>	<u>Increase Appropriation Account</u>
\$3,000	001.7140.0480 Sport & Playgrounds - Operations	001.7310.0480 Youth Center – Operations
\$3,687	001.7180.0440 Pool – Buildings and Grounds	001.7110.0481 Parks – Tree Program
\$3,000	001.7180.0440 Pool – Building and Grounds	001.7110.0420 Parks – Repairs and Maintenance
\$5,000	001.7110.0440 Parks – Building and Grounds	001.7110.0480 Parks - Operations

Ayes: Alderman Schmigel, DiBernardo, Loncar, Pecoraro

(4)

Nays: None

(0)

CARRIED.

XIV. Dir. Youth, Recreation, Parks & Seniors

November 10, 2022

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

Dear Mayor Tylec and Common Council,

As per our municipal travel policy I am seeking authorization of travel expenditures for our Golf Superintendent to attend the annual GCSAA (Golf Course Superintendent Association of America) Conference as described in the resolution attached.

Costs associated would be covered under our Golf Course Operations 2023 budget for training and certifications.

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

**MOVED by Alderman Pecoraro SECONED by Alderman DiBernardo
That the Common Council at a regular session meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 p.m. on November 15, 2022 approves the Travel Policy Resolution, for the Golf Course Superintendent and it reads as follows:**

WHEREAS, in accordance with the City of North Tonawanda Travel Policy, the common council of the City of North Tonawanda may, by majority vote, authorize travel expenditure for any officers, employees or elected officials to attend conferences or seminars not covered within negotiated union contracts, which are for the betterment of the City.

WHEREAS, All expenditures and travel activity will be in compliance with section 77-b of General Municipal Law

WHEREAS, the Director of Youth, Recreation, Parks & Seniors would like to send the Golf Course Superintendent to the GCSAA (Golf Course Superintendent Association of America) Conference for annual training and networking purposes.

WHEREAS, expenses associated with the conference, including travel, etc. have been budgeted for within the Golf Course Operations Budget.

WHEREAS, the conference on Monday February 6-9, 2023 in Orlando includes training and seminars in best practice updates on turf management, sand bunker repair & maintenance, and other selected seminars which are identifiable as being beneficial to our specific course. Round-table discussions and networking opportunities with top industry professionals and vendors nationwide are also a desirable benefit from this conference.

WHEREAS, the conference is a desirable opportunity to invest in, and equip staff in order to maximize the benefits to our golf course, including efficiency of maintenance practices, implementable strategies to improve course conditions, and betterment of golfer experience; thus making our course more attractable and profitable.

NOW, THEREFORE, BE IT RESOLVED, that the council hereby authorizes the travel expenditures for participation of the Golf Superintendent in the GCSAA conference as budgeted by the Director of Youth, Recreation, Parks & Seniors, based on the importance of this opportunity as being beneficial both to the staff, and for the betterment of the course.

Subject to further review by the City Attorney.

Ayes: Alderman Schmigel, DiBernardo, Loncar, Pecoraro

(4)

Nays: None

(0)

CARRIED.

XXV. Monthly Reports

.1 Clerk-Treasurer .2 Police Department

MOVED by Alderman DiBernardo SECONDED by Alderman Pecoraro
That the Common Council hereby receives and files the aforementioned Monthly Reports.
Ayes: Alderman Schmigel, DiBernardo, Loncar, Pecoraro (4)
Nays: None (0)
CARRIED.

XXXII. Community Development

October 19, 2022

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

Re: Request for authorization to submit a grant application to the New York State Office of Community Renewal for Community Development Block Grant Funding

Dear Honorable Body,

Microart Systems, located in the Wurlitzer Building at 908 Niagara Falls Blvd. is a local manufacturer of microchips, with their headquarters located in Markham, Ontario. Microart Systems is seeking assistance to expand their current operations and install a new manufacturing line to increase the current capacity of the company. The company anticipates this project will create 12-15 job positions in the North Tonawanda location.

Microart Systems has requested the City apply for funding from the New York State Office of Community Renewal's (OCR) Community Development Block Grant (CDBG) program. Lumber City Development Corporation (LCDC) is assisting the company with this project and further requests that, if awarded CDBG funds, the City grant these funds to LCDC for the purposes of making a loan or loans to the company.

The attached resolution would authorize the City to submit a grant application not to exceed \$225,000; would authorize the Mayor, pending review by the City Attorney, to execute all documents with OCR related to the CDBG program; and would further designate the Mayor as Certifying Officer responsible for the federal environmental review process related to the project.

I respectfully request this Honorable Body consider approving the attached resolution.

Kindest regards,
Laura Wilson
Dir. Community Development

MOVED by Alderman Pecoraro 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 November 15, 2022, approved the resolution to submit a Grant Application to the New York State Office of Community Renewal for Block Grant Funding, and it reads as follows:

AUTHORIZATION TO SUBMIT A GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL FOR BLOCK GRANT FUNDING

WHEREAS, Microart Services (the "Company") plans to expand their current operations located at 908 Niagara Falls Blvd., in the City of North Tonawanda (the "City") and to acquire

machinery, equipment, and to incur additional start-up costs, to create a new manufacturing line (the "Project"); and

WHEREAS, the Company has requested that the City apply for funding on its behalf from the New York State Office of Community Renewal (the "OCR") to finance a portion of the cost of machinery, equipment, working capital, and soft costs to support the Project, and

WHEREAS, Lumber City Development Corporation (the "LCDC") is assisting in the facilitation of the Project and has requested that the City provide the OCR funding to the LCDC as a grant for the purpose of making a deferred loan and a term loan to the Company, and

WHEREAS, the Project will result in substantial benefit to the City in form of an estimated 15 new full-time equivalent employment positions, and

WHEREAS, the City has held a public hearing to obtain citizens' views regarding the CDBG program as administered by OCR and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized to submit a grant application on behalf of the City of North Tonawanda in the approximate amount of \$225,000 to the OCR to support the Project, and be it further

RESOLVED, that the Mayor is hereby authorized to execute a grant agreement between the City and the OCR and all related documents associated with the OCR grant, including entering into a grant agreement with the LCDC for the implementation of the Project and administration of the OCR grant, all such documents to be subject to review and approval by the City Attorney, and be it further

RESOLVED, that the Mayor is hereby designated as the Certifying Officer responsible for all activities associated with the federal environmental review process to be completed in conjunction with the Project.

Subject to further review by the City Attorney.

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

Nays: None (0)

CARRIED.

LATE COMMUNICATION

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

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

Nays: None (0)

CARRIED.

#1.

Dir. Youth, Parks, Recreation & Seniors

November 15, 2022

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

Dear Mayor Tylec and Common Council,

I respectfully ask for approval to move forward with the repairs of the roof at the Botanical Gardens Building. Leaks in the main office area have been identified as an ongoing issue, which needs to be rectified as soon as possible. Quotes were received with the low bid

totaling \$5,158.62 from Buffalo Roofing. Additionally, two pains of broken glass in the ceiling greenhouse need to be replaced at a cost of \$593.48 quoted from Twin City Glass. Total for all repairs is \$5,752.10.

These items are not budgeted for; however anticipation of considerable balances from our seasonal staffing accounts within our department would cover the deficit.

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

MOVED by Alderman DiBernardo SECONDED by Alderman Loncar
 That the Common Council hereby approves the repairs of the roof at the Botanical Gardens Building of \$5,158.62 from Buffalo Roofing and \$593.48 from Twin City Glass with a total amount of \$5,752.10, subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

AUDIENCE PARTICIPATION

Howard Roeske, 455 Goundry Street – Thanked the Council for letting them use the City Cemetery for the Haunted Tour.

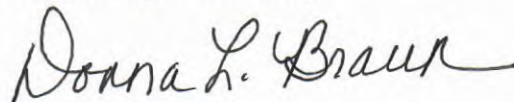
Jay Hutton, 730 Niagara Parkway – Says that Brownies LED sign is in violation of advertising on the sign for other Businesses.

ADJOURNMENT

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

Time of Adjournment: 7:04 P.M.

Respectfully submitted,



Donna L. Braun
 City Clerk-Treasurer