

**THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, December 20, 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: City Attorney Edward Zebulske III

Also Present: Mayor Austin J. Tylec

AUDIENCE PARTICIPATION -

Darlene Bolsover, 1337 Sweeney Street – Questioned the re-vote on the video.

APPROVAL OF THE MINUTES OF THE REGULAR SESSION DECEMBER 6, 2022

**MOVED by Alderman Schmigel SECONDED by Alderman Lavey
That the minutes of the regular session held December 6, 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.**

PROOF OF PUBLICATION PUBLISHED ON 12/6/2022

- 1) Legal Notice – Request for Proposals (RFP) for Qualified Surveyors to Provide
Survey Data for the Zimmerman Street Waterline Replacement Project**

**MOVED by Alderman Pecoraro SECONDED by Alderman DiBernardo
That the Common Council hereby receives and files the aforementioned Proof of
Publication.
Ayes: Alderman Schmigel, DiBernardo, Lavey, Loncar, Pecoraro (5)
Nays: None (0)
CARRIED.**

| | | |
|---|---------------|--------------------|
| Veto 3 – Remove raise from Common Council | 001.1010.0100 | \$20,500.00 |
| Veto 4 – Remove Mayor’s Office Raises | 001.1210.0100 | \$29,500.00 |
| | Total: | \$61,000.00 |

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

This item will therefore be brought back to the Common Council for a corrected procedural vote on December 20, 2022.

Sincerely,
 Robert E. Pecoraro
 North Tonawanda Common Council President

Item #1. – Reinstate Mayor’s Secretary with funds from Elected Officer’s Raises

MOVED by Alderman Pecoraro **SECONDED** by Alderman Schmigel
 That the Common Council hereby overrides the Mayor’s veto of the following items:

| | | |
|---|---------------|--------------------|
| Veto 1 – Remove raise from Clerk | 001.1410.0100 | \$5,500.00 |
| Veto 2 – Remove raise from Treasurer | 001.1325.0100 | \$5,500.00 |
| Veto 3 – Remove raise from Common Council | 001.1010.0100 | \$20,500.00 |
| Veto 4 – Remove Mayor’s Office Raises | 001.1210.0100 | \$29,500.00 |
| | Total: | \$61,000.00 |

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

I. Mayor

December 13, 2022

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

Re: Temporary Appointment of City Engineer

Dear Honorable Body,

Please be advised that I am temporarily appointing Travis Sikora as the North Tonawanda City Engineer upon Chelsea Spahr’s tentative maternity leave date, Tuesday December 27, 2022. The term of this temporary appointment will last no longer than 90 days (60 working days) from the day on which Mrs. Spahr takes leave.

Mr. Sikora will be taking this temporary position at Step-1 City Engineer per the OPEIU contract which is an increase of \$8,180 in pay over the 90-day period. I have conferred with the City Accountant that these funds are currently budgeted in the Engineering Department’s Personal Services and do not require legislative modifications to the budget.

I have also consulted with our Attorneys, Civil Service, and the OPEIU Union that this temporary appointment falls within my office’s authority considering the circumstances and is acceptable by all parties.

Thank you for your attention to this matter.

Respectfully,
Austin Tylec
Mayor

MOVED by Alderman Pecoraro **SECONDED** by Alderman DiBernardo
That the Common Council hereby receives and files the temporary appointment of Travis
Sikora as City Engineer for 90 days (60 working days) at Step-1 of the OPEIU contract.
Ayes: Alderman Schmigel, DiBernardo, Lavey, Loncar, Pecoraro (5)
Nays: None (0)
CARRIED.

V. Supt. of Water/Wastewater

December 15, 2022

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

Re: Phase II WTP Generator Project Amendment 6

Honorable Body:

On December 15, 2022. After review of the proposed amendment, we have decided to move forward with the phase II generator proposal from Nussbaumer & Clarke Engineering. These services will be funded under the grant, bonding, and EFC loan, already in place for the Water Treatment Plant Generator Project.

Based upon the performance and experience of Nussbaumer & Clarke Engineering, I recommend that Nussbaumer & Clarke Engineering, be awarded these professional services to perform the scope of work described on a lump sum bases not to exceed \$175,611.00

Please contact me if you have any question or concerns regarding this service proposal. Thank you for your time and consideration of my request.

Very truly yours,
Jason W. Koepsell
Supt. of Water/Wastewater

MOVED by Alderman Lavey **SECONDED** by Alderman DiBernardo
That the Common Council hereby awards the professional services for amendment 6,
Phase II WTP Generator Project to Nussbaumer & Clarke not to exceed \$175,611.00,
subject to review by the City Attorney.
Ayes: Alderman Schmigel, DiBernardo, Lavey, Loncar, Pecoraro (5)
Nays: None (0)
CARRIED.

VII. Accountant

December 15, 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 December 20th, 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 Lavey
 That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated December 20, 2022, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

| | | |
|----|----------------------|---------------------|
| 01 | General Fund | \$199,707.04 |
| 02 | Water Fund | \$34,114.18 |
| 04 | Sewer Fund | \$34,464.96 |
| 06 | Capital Project Fund | \$607,095.08 |
| 07 | Trust & Agency Fund | <u>\$1,109.52</u> |
| 00 | Final Total | <u>\$876,490.78</u> |

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

IX. Supt. of Public Works

December 13, 2022

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

Re: Project 2022-09: Webster, Tremont and Manhattan Street Mill and Repave Approval of Change Order No. 1 and Final Project Acceptance

Dear Honorable Body:

Approval of Change Order No. 1 balancing the project and addressing overages, and final acceptance of Webster, Tremont and Manhattan Street Mill and Repave Project is hereby requested. The change order is an addition change order. Attached is the change order showing the additions and deductions at the end of the project.

Accordingly, I respectfully request that the Common Council approve the addition Change Order No. 1 for Webster, Tremont and Manhattan Street Mill and Repave Project in the amount of \$6,462.10 with Milherst Construction, Inc., 10025 County Road, Clarence Center, NY 14032; increasing the contract amount from \$282,550.00; to the final contract amount of \$289,012.10; 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,
 Mark Zellner
 Supt. of Public Works

MOVED by Alderman Pecoraro MOVED by Alderman DiBernardo
That the Common Council hereby grants approval of Change Order No. 1 for Webster, Tremont and Manhattan Street Mill and Repave Project in the amount of \$6,462.10 with Milherst Construction, Inc., 10025 County Road, Clarence Center, NY 14032; increasing the contract amount from \$282,550.00; to \$289,012.10; and authorizes the Mayor to sign said change order. Further, the Common Council accepts this project as complete, subject to review by the City Attorney.

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

Nays: None (0)

CARRIED.

XXV. Monthly Reports

.1 Clerk-Treasurer

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

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

Nays: None (0)

CARRIED.

AUDIENCE PARTICIPATION

Travis Sikora – Thanked the Mayor for his appointment.

Collen Osborn, 377 Roncroff Drive – Is very concerned about the Meth Lab that has been raided across the street from her. She has many questions and is reaching out to the Council for help on the situation.

ADJOURNMENT

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

Time of Adjournment: 7:25 P.M.

Respectfully submitted,

Donna L. Braun

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