

PLEDGE OF ALLEGIANCE

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

[illegible]

MOVED by Alderman Schmigel SECONDED by Alderman Marranca

That the Common Council hereby receives and files the aforementioned Proof of Publication.

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

Nays: None (0)

CARRIED.

09-02-2025

I am establishing the Zoning Code Update Steering Committee that will play a key role in guiding the City through the process of updating our decades-old zoning code and completing the City's Comprehensive Plan.

The City of North Tonawanda has recently been awarded \$135,000 through the New York State Department of State's Environmental Protection Fund Smart Growth Program. This funding will provide essential resources to ensure that our zoning code reflects current needs and supports long-term growth in alignment with our community's vision.

The update to our zoning code comes at an appropriate and strategic time. This effort will allow us to thoughtfully plan for how we envision our neighborhoods, business districts, and waterfront for decades to come. Updating our zoning code will not only address today's development challenges but also promote economic vitality, efficient use of infrastructure, and stronger community cohesion.

The proposed Zoning Code Update Steering Committee will be composed of the following members: Mayor Austin Tylec, council President Joe Lavey, Maureen Harding, Mike Tuzzo, Chelsea Spahr, Rob DePaolo, Scott Kuebler, Charles Mikolajczyk, Ben Bidell, Travis Sikora, Ava LaBella, and Laura Wilson.

The committee will begin work in collaboration with planning professionals, community stakeholders, and residents to ensure that our zoning code reflects both the needs of today and the opportunities of tomorrow.

Thank you for your support in advancing this important initiative for the future of North Tonawanda.

**Respectfully,
Austin Tylec
Mayor**

MOVED by Alderman Schmigel SECONDED by Alderman Loncar
That the Common Council hereby approves the proposed Zoning Code Sterring
Committee.

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

Nays: None (0)

***** Alderman DiBernardo had to excuse himself from the Council Chambers**

CARRIED.

II.1 Attorney

August 25, 2025

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

ATT: Donna L. Braun, City Clerk-Treasurer

Re: Proposed Sale of City Real Property – 78 & 96 Bridge Street

Dear Donna:

It has come to our attention that the address listed on the letter regarding the proposed sale of city real property on Bridge Street (which was listed on the Common Council Agenda for the last meeting) contained an error. Kindly amend the Common Council minutes to

read “78 & 96 Bridge Street” as the addresses for the subject real property, for future development as Bridge Street Landing, LLC.

Thank you for your consideration and, should you have any questions, do not hesitate to contact me.

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

MOVED by Alderman DiBernardo **SECONDED** by Alderman Loncar
That the Common Council hereby **AMENDS** their resolution dated August 19, 2025 for the sale of Bridge Street to read as follows:

That the Common Council at a regular meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 p.m. on September 2nd, 2025, approves the Resolution to enter into an Agreement to sell 78 & 96 Bridge Street to VisoneCo Site Development, LLC and it reads as follows:

WHEREAS, the City of North Tonawanda has entered into an Agreement to sell 78 and 96 Bridge Street in the City of North Tonawanda, New York, to VisoneCo Site Development, LLC, of 9829 Main Street, Clarence, New York 14031, with the property to be titled to Bridge Street Landing, LLC.

NOW THEREFORE BE IT RESOLVED, that the Mayor is hereby authorized to execute the deed and any other documents related to said sale.

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

II.2 Attorney

August 27, 2025

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

Re: North Tonawanda Code Revisions – Chapter 63: Parks and Recreation Areas

Dear Honorable Body:

Below for your consideration, are two (2) proposed ordinance revisions (**in bold print**)

§63-2 Motor Vehicles, Motorcycles, and Drones prohibited; Exception

- (b) No person shall operate a drone, or any other remote controlled pilotless aircraft in any park, playground, athletic field or swimming area in the city of North Tonawanda without first obtaining written permission from the North Tonawanda Department of Youth, Recreation, Parks and Seniors Department.**
- (1) While such written permission shall not be unreasonably withheld, factors such as proximity to private property, time of year, designated swimming areas, private reserved functions, and preservation of public and private property shall be taken into consideration.**

If your Honorable body concurs, please pass the appropriate resolutions for the City of North Tonawanda to allow these additions to our North Tonawanda City Code, subject to further review by the City Attorney.

**Very truly yours,
Mario J. Gregori, Jr., Esq.
Assistant City Attorney**

MOVED by Alderman DiBernardo SECONDED by Alderman Marranca
That the Common Council at a regular meeting, held at City Hall, 216 Payne Avenue, North
Tonawanda, New York at 6:30 p.m. on September 2nd, 2025, approves the Resolution to
revise North Tonawanda City Code Chapter 63: Parks and Recreation Areas and it reads
as follows:

§63-2 Motor Vehicles, Motorcycles, and Drones prohibited; Exception

- (b) No person shall operate a drone, or any other remote controlled pilotless aircraft in any park, playground, athletic field or swimming area in the city of North Tonawanda without first obtaining written permission from the North Tonawanda Department of Youth, Recreation, Parks and Seniors Department.**
- (1) While such written permission shall not be unreasonably withheld, factors such as proximity to private property, time of year, designated swimming areas, private reserved functions, and preservation of public and private property shall be taken into consideration.**

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

III.1 Clerk-Treasurer

August 26, 2025

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

Re: City Auction Bids

Dear Honorable Body:

On Monday May 12, 2025 and ending Tuesday, May 27, 2025 my office in conjunction with the City Attorney's Office conducted an online Public Auction through Auctions International at which 35 City owned parcels were Auctioned. At the Common Council meeting of June 17th, you tabled 2 of those properties. I have attached for your review the property addresses, bidders' names and bid amounts. I respectfully request that your Honorable Body accept the bids that were paid.

If your Honorable Body Should concur please vote in the affirmative on the above request pending final review by the City Attorney's Office.

MOVED by Alderman Marranca SECONDED by Alderman Loncar
That the Common Council hereby accepts the bids from the bidders for City Owned
property that was offered at the online public auction May 12, 2025 to May 27, 2025 and it
is as follows:

<u>SBL#</u>	<u>Address</u>	<u>Bidder Name</u>	<u>Amount</u>
182.53-2-6	652 Oliver Street	Praestantia Capital LLC	\$141,100.00
182.77-1-24	300 Oliver Street	Mundane Compunace	\$171,500.00

Ayes: Alderman Schmigel, DiBernardo, Marranca, Loncar, Lavey (5)
Nays: None (0)

CARRIED.

III. 2 Clerk-Treasurer

August 22, 2025

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

Re: Treasurer's Increase in Fees

Dear Honorable Body:

The rates for the Treasurer's Office for Tax Searches and Check Return fees have not been increased since 2010.

I am asking you to consider changing the fee for Return Checks from \$25.00 to \$30.00 and Tax Search charges from \$20.00 to \$25.00 along with the summary fee from \$3.00 to \$5.00.

This would be effective January 1, 2026.

Thank you for your consideration.

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

Moved by Alderman DiBernardo Seconded by Alderman Schmigel

That the Common Council hereby approves the rate changes in the Treasurer’s Office for Tax Searches from \$20.00 to \$25.00 along with the summary fee from \$3.00 to \$5.00, and the Return Check fee from \$25.00 to \$30.00 effective January 1, 2026.

Ayes: Alderman Schmigel, DiBernardo, Marranca, Loncar, Lavey **(5)**

Nays: None **(0)**

CARRIED.

IV. Engineer

August 27, 2025

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

**Re: Project No. 2017-04 Payne and Meadow Intersection Improvements –
Utility Easement with National Grid**

Honorable Body:

The City of North Tonawanda acquired a portion of property at the corner of Payne Avenue and Meadow Drive for the above-mentioned project. National Grid will need to complete utility pole relocations onto this parcel to allow for the realignment of the intersection. Attached you will find the easement agreement from National Grid for these pole relocations.

I hereby request that the Common Council authorize the Mayor to sign said easement agreement with National Grid; subject to review by the City Attorney.

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

MOVED by Alderman Schmigel SECONDED by Alderman Marranca
That the Common Council hereby approves the attached Utility Easement agreement from
National Grid for Project No. 2017-04 Payne and Meadow Intersection Improvements; and
authorizes the mayor to sign said agreement.

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

Nays: None **(0)**

CARRIED.

VII.1 Accountant

August 28, 2025

**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 September 2nd, 2025, 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 Marranca SECONDED by Alderman Loncar
That the Common Council hereby authorizes for payment the current Abstract of Claims
for Common Council Audit dated September 2nd, 2025, and further authorizes the Mayor
and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$451,733.15
02	Water Fund	\$49,608.74
04	Sewer Fund	\$116,632.09
06	Capital Project Fund	\$959,440.02
07	Trust & Agency Fund	<u>\$7,737.60</u>
00	Final Total	<u>\$1,585,151.60</u>

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

Nays: None (0)

CARRIED.

VII.2 Accountant

August 28, 2025

**Honorable Austin J. Tylec, Mayor
and Common Council
City Hall, 216 Payne Avenue
North Tonawanda, NY 14120**

MOVED by Alderman DiBernardo SECONDED by Alderman Schmigel
That the Common Council at a regular meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:30 p.m. on September 2nd, 2025, approves a Resolution as to SEQRA Determination for Construction and Reconstruction of Improvements to the City’s Erie Water Tower and it reads as follows:

A RESOLUTION, DATED SEPTEMBER 2, 2025, OF THE CITY OF NORTH TONAWANDA, COUNTY OF NIAGARA, NEW YORK AS TO SEQRA DETERMINATION

WHEREAS, the Common Council of the City of North Tonawanda, located in the County of Niagara, State of New York (the “City”), desires to finance the construction and reconstruction of improvements to the City’s Erie Water Tower, all at a maximum cost not to exceed \$2,000,000 (the “Project”); and

WHEREAS, said Project is subject to classification under the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Common Council of the City, as the only involved agency, has examined all information related to the Project and has determined that the Project is classified as a “Type II” Action pursuant to Section 6.17.5(c) of the SEQRA Regulations;

WHEREAS, the SEQRA Regulations declare “Type II” Actions to be actions that require no further review under SEQRA; and

NOW, THEREFORE, BE IT RESOLVED that the Common Council hereby declares itself lead agency in connection with the requirements of SEQRA; and

BE IT FURTHER RESOLVED that the Common Council hereby declares that the Project is a “Type II” Action, which requires no further review under SEQRA.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

- Joe Lavey Jr., Alderman-at-Large - President**
- Robert Schmigel, 1st Ward Alderman**
- Frank DiBernardo, 2nd Ward Alderman**
- Joe Marranca, 3rd Ward Alderman**
- Joe Loncar, Alderman-at-Large**

The resolution was thereupon declared duly adopted by a vote of 5 ayes and 0 nays.
Dated: September 2, 2025

STATE OF NEW YORK)
COUNTY OF NIAGARA) ss:

I, the undersigned City Clerk-Treasurer of the City of North Tonawanda, Niagara County, New York (the “City”) DO HEREBY CERTIFY as follows:

1. I am the duly qualified and acting City Clerk-Treasurer of the City and the custodian of the records of the City, including the minutes of the proceedings of the Common Council, and am duly authorized to execute this certificate.
2. A regular meeting of the Common Council of the City was held on September 2, 2025, and Minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the minutes of meetings of said Common Council.
3. Attached hereto is a true and correct copy of a Resolution duly adopted at a regular meeting of the Common Council held on September 2, 2025 and entitled:

A RESOLUTION, DATED SEPTEMBER 2, 2025, OF THE CITY OF NORTH TONAWANDA, COUNTY OF NIAGARA, NEW YORK AS TO SEQRA DETERMINATION.

4. That said meeting was duly convened and held and that said resolution was duly adopted in all respects in accordance with the law and regulations of the City. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Common Council was present throughout said meeting, and a legally sufficient number of members (majority of the Common Council) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under the law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including the publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

5. Public Notice of the time and place of said meeting was duly posted and duly given to the public and the news media in accordance with the Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, and that all members of said Board had due notice of said meeting and that the meeting was in all respects duly held and a quorum was present and acted throughout.

6. The seal appearing below constitutes the official seal of the City and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the City of North Tonawanda this 2nd day of September, 2025.

**CITY OF NORTH TONAWANDA
Donna L. Braun, City Clerk-Treasurer**

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

VII.4 Accountant

August 29, 2025

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

Dear Honorable Body:

In accordance with the City of North Tonawanda for the 2025 Construction and Reconstruction to the City’s Erie Water Tower improvements, please find a Bond Anticipated Note resolution in aggregate amount of \$2,000,000 from our Bond Council, Harris Beach, LLP.

Accordingly, please have this resolution adopted by at least a two-thirds vote of the body and have it published in the official newspaper of the City, together with the legal notice of estoppel.

This resolution is for the 2025 Construction and Reconstruction to the City’s Erie Water Tower improvements project and is associated with EFC WIIA Grant.

**Warm regards,
Jeffrey Zellner
City Accountant**

MOVED by Alderman DiBernardo SECONDED by Alderman Marranca
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 September 2nd, 2025, approved the Serial Bond of the City to finance the Construction and Reconstruction to the City's Erie Water Tower and it reads as follows:

PRESENT: Joe Lavey Jr., Alderman-at-Large -President
Robert Schmigel, 1st Ward Alderman
Frank DiBernardo, 2nd Ward Alderman
Joseph Marranca III, 3rd Ward Alderman
Joe Loncar, Alderman-at-Large

ABSENT: None

The following resolution was offered by Alderman DiBernardo who Moved its adoption, Seconded by Alderman Marranca; to-wit:

BOND RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK (THE "CITY") AUTHORIZING THE ISSUANCE OF \$2,000,000 IN SERIAL BONDS OF THE CITY TO FINANCE THE CONSTRUCTION AND RECONSTRUCTION OF IMPROVEMENTS TO THE CITY'S ERIE WATER TOWER

WHEREAS, the Common Council (the "Common Council") of the City of North Tonawanda (the "City") proposes to authorize the issuance of \$2,000,000 in serial bonds of the City to finance the construction and reconstruction of improvements to the City's Erie Water Tower, including all ancillary, incidental and related equipment, machinery, apparatus, costs and expenses thereof (the "Project") at an estimated maximum cost of \$2,000,000; and

WHEREAS, immediately prior to the adoption of this resolution, the Common Council of the City determined pursuant to the State Environmental Quality Review Act and the regulations of the Department of Environmental Conservation promulgated thereunder (collectively, "SEQRA"), determined that the Project constitutes a "Type II" action within the meaning of the SEQRA and therefore no further action under SEQRA with respect to the Project need be taken by the Common Council; and

WHEREAS, the Common Council now wishes to appropriate funds for the Project and to authorize the issuance of the City's serial bonds and bond anticipation notes to be issued to finance said appropriation.

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), **AS FOLLOWS:**

SECTION 1. The City is hereby authorized to undertake the construction and reconstruction of improvements to City's Erie Water Tower, including all ancillary, incidental and related equipment, machinery, apparatus, costs and expenses thereof. It is hereby determined that the maximum estimated cost of the aforementioned class of object or purpose is \$2,000,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$2,000,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, (ii) the application of up to \$1,400,000 in grant monies expected to be received by the City to pay or reimburse costs of the Project (including the possible repayment of bond anticipation notes issued to finance such costs), the receipt of which shall reduce the amount of serial bonds authorized herein *pro tanto*, and (iii) unless paid from other sources, the levy and collection of taxes on all taxable real property of the City to pay the principal of such bonds or notes and the interest thereon as the same become due and payable.

SECTION 2. Serial bonds of the City in the principal amount of \$2,000,000 are hereby authorized to be issued pursuant to provisions of Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the Project.

SECTION 3. It is hereby determined that the period of probable usefulness of the aforementioned class of object or purpose is forty (40) years, pursuant to subdivision 1. of paragraph a. of Section 11.00 of the Law.

SECTION 4. The final maturity of the bonds herein authorized to be issued shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to this resolution.

SECTION 5. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purpose described in this resolution. This resolution shall constitute a declaration of “official intent” to reimburse the expenditures as part of the project described herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 6. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the City, payable as to both principal and interest by a general tax upon all the real property within the City without legal or constitutional limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations, and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00, Section 62.10 and Section 63.00 of the Law, the powers and duties of the Common Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the City Clerk-Treasurer, the chief fiscal officer of the City. However, prior to the sale and issuance of any obligations authorized herein, after reviewing such terms, form and contents, the Common Council shall adopt an additional resolution authorizing the City-Clerk Treasurer to issue said obligations authorized herein. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for any of the objects or purposes authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more other objects or purposes authorized by this resolution or other resolutions of the Common Council, then the power of the Common Council to determine the “weighted average period of probable usefulness” (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the City Clerk-Treasurer, as the chief fiscal officer of the City.

SECTION 8. The City Clerk-Treasurer is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for Federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”) and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as “qualified tax-exempt bonds” in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 9. The City Clerk-Treasurer is hereby further authorized, at their sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion

thereof, by a serial bond, and, or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

SECTION 10. The City Clerk-Treasurer is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchaser of any of the bonds or notes authorized by this resolution in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The intent of this resolution is to give the City Clerk-Treasurer sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Common Council.

SECTION 12. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the constitution.

SECTION 13. This resolution shall take effect immediately upon approval by the Mayor and the City Clerk-Treasurer is hereby authorized and directed to publish the foregoing resolution in full, or a summary thereof, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the City (a) for such publication, and (b) for the publication of the notice of sale in connection with any bonds issued pursuant to this resolution.

The following vote was taken and recorded in the public or open session of said meeting:

Ayes: Alderman Schmigel, DiBernardo, Marranca, Loncar, Lavey (5)
Nays: None (0)

This resolution shall take effect immediately.

STATE OF NEW YORK)
COUNTY OF NIAGARA) ss:

I, the undersigned City Clerk-Treasurer of the City of North Tonawanda, Niagara County, New York (the “City”), DO HEREBY CERTIFY as follows:

1. I am the duly qualified and acting City Clerk-Treasurer of the City and the custodian of the records of the City, including the minutes of the proceedings of the Common Council of the City, and am duly authorized to execute this certificate.

2. A regular meeting of the Common Council of the City (the “Common Council”) was held on September 2, 2025, Minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with the law for the purpose of recording the minutes of meetings of said Common Council. Attached hereto is a true and correct copy of a resolution duly adopted at said meeting and entitled:

BOND RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK (THE “CITY”) AUTHORIZING THE ISSUANCE OF \$2,000,000 IN SERIAL BONDS OF THE CITY TO FINANCE THE CONSTRUCTION AND RECONSTRUCTION OF IMPROVEMENTS TO THE CITY’S ERIE WATER TOWER

3. Public Notice of the time and place of said meeting was duly posted and duly given to the public and the news media in accordance with the Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, and that all members of said Common Council had due notice of said meeting. The meeting was duly convened and held and that said Bond Resolution was duly adopted in all respects in accordance with the law and regulations of the City. To the extent required by law or said regulations, due and proper notice of the meeting was given. A legal quorum of members of the Common Council was present throughout said meeting, and a legally sufficient number of members (2/3's of the Common Council) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under the law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including the publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

4. The seal appearing below constitutes the official seal of the City and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the City of North Tonawanda this 2nd day of September, 2025.

CITY OF NORTH TONAWANDA
Donna L. Braun
City Clerk-Treasurer

ESTOPPEL NOTICE

The resolution, a summary of which is published herewith, has been adopted by the Common Council of the City of North Tonawanda on September 2, 2025, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the City of North Tonawanda, Niagara County, New York is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

Donna Braun, City Clerk-Treasurer
City of North Tonawanda

SUMMARY OF BOND RESOLUTION

Set forth below is a summary of said resolution adopted by the Common Council of the City of North Tonawanda on September 2, 2025.

1. The resolution is entitled **“BOND RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF NORTH TONAWANDA, NIAGARA COUNTY, NEW YORK (THE “CITY”) AUTHORIZING THE ISSUANCE OF \$2,000,000 IN SERIAL BONDS OF THE CITY TO FINANCE THE CONSTRUCTION AND RECONSTRUCTION OF IMPROVEMENTS TO THE CITY’S ERIE WATER TOWER”**
2. Object or Purpose: finance the construction and reconstruction of improvements to City’s Erie Water Tower, including all ancillary, incidental and related equipment, machinery, apparatus, costs and expenses thereof.
3. Period of Probable Usefulness: 40 years.
4. Amount of Debt Obligations Authorized: \$2,000,000.

The resolution summarized herein shall be available for public inspection during normal business hours at the offices of the City Clerk-Treasurer, City of North Tonawanda, City Hall, 216 Payne Avenue, North Tonawanda, New York 14120.

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

XVII. Traffic Safety

August 18, 2025

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

Traffic Safety Minutes:

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

- 1. Member Rob Frank has speed complaints on Carr, Gilmore, Wright, Sweeney and Meadow Extension. Radar and the speed sign have been applied.**
- 2. The traffic signal at Tremont and Oliver had multiple tree limbs obstructing the view of the signal heads. DPW is notified.**
- 3. Nash and Deerfield traffic signal is complete, ready for school.**

The next Traffic Safety Meeting will be held on September 15, 2025.

Travel safely,
Matthew R. Meisenburg

MOVED by Alderman Loncar SECONDED by Alderman DiBernardo
That the Common Council hereby receives and files the Traffic Safety minutes from their August meeting.
Ayes: Alderman Schmigel, DiBernardo, Marranca, Loncar, Lavey (5)
Nays: None (0)
CARRIED.

XXV. Monthly Reports

.1 Police Department

MOVED by Alderman DiBernardo SECONDED by Alderman Marranca
That the Common Council hereby receives and files the aforementioned Monthly Report.
Ayes: Alderman Schmigel, DiBernardo, Marranca, Loncar, Lavey (5)
Nays: None (0)
CARRIED.

COMMUNICATIONS FROM OTHERS

A.
American Legion Tonawanda’s Post 264

August 29, 2025

Mayor Austin Tylec
216 Payne Avenue
North Tonawanda, NY 14120

Dear Mayor Tylec,

Tonawanda's Post 264 American Legion, would like to request permission to conduct our annual "FILL THE HELMET AT THE MARKET" on Sept. 27, 2025 from 8am-1pm. We will conduct our annual fundraisers on Payne/Robinson and Market Street. This will be our 7th year and all funds will go to Children & Youth, Veterans support and Suicide Prevention.

As you know our post average age is 42 years old, we are a Post of the Tonawanda's and of Niagara County.

If you have any questions, please contact me Daniel Misner at (716) 946-1172. Any help would be greatly appreciated.

Thank you
Daniel Misner

MOVED by Alderman DiBernardo **SECONDED** by Alderman Schmigel
That the Common Council hereby grants approval for the American Legion Tonawanda's Post 264 to hold a "Fill the Helmet at the Market" event on Saturday, September 27th, from 8am-1pm at the corners of Robinson/ Payne and Market Street.

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

Nays: None (0)

CARRIED.

AUDIENCE PARTICIPATION

Robert Pecoraro 262 Christiana Street- Would like to thank Mario Gregori, assistant City Attorney and Alderman Marranca for assisting with the updating Chapter 63 in the city codes, this affects the Botanical Gardens. Botanical Gardens is having an event on September 27th, and everyone is invited to attend.

Deb Cudzilo-625 Woodbury- Asked the Mayor and Council for any updates on the situation she had brought to their attention at the last council meeting. She wanted to publicly note that the incident did not take place at the Youth Center or the Recreation Department as stated in the minutes from August 19th. This is an adult to adult situation. Because of this incident her two grandchildren stopped attending the summer activities that they truly enjoyed, and she finds this disturbing.

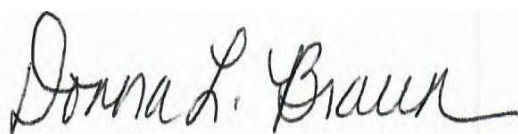
Steve Cudzilo 625 Woodbury- Addressed the Mayor and Council that this situation is about the Original Post that was placed on Facebook. "It's the original post that is the problem"

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: 7:02 P.M.

Respectfully submitted,



Donna L. Braun
City Clerk-Treasurer