

**THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, December 16, 2025
6:30 P.M.**

REGULAR SESSION CALLED TO ORDER BY PRESIDENT LAVEY

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: **President Lavey**
Alderman Schmigel, Marranca

Absent: Alderman, Loncar, DiBernardo

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

AUDIENCE PARTICIPATION –

Joe Midura, 115 10th Avenue – Is Concerned about the Water Meter Changes.

PROOF OF PUBLICATION PUBLISHED 11/29/2025

- 1) Legal Notice – Public Hearing for proposed Local Law No. 1 of 2026 entitled
Establishing Sewer Rates for 2026 – City Clerk-Treasurer**
- 2) Legal Notice – Public Hearing for CDBG Economic Development Project
#822ED505-22 – Dir. Community Development**

APPROVAL OF THE MINUTES OF THE REGULAR SESSION DECEMBER 2, 2023

COMMUNICATIONS FROM CITY OFFICIALS

II.1 Attorney

December 10, 2025

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

Re: Proposed Local Law No.1 or 2026 – Establishing Sewer Rates for 2026

Dear Honorable Body:

Attached, for your consideration, is the proposed Local Law No.1, establishing new sewer rates for 2026 for the City of North Tonawanda. The “ageing” requirement has been met, and a Public Hearing was held on December 9, 2025.

Should your Honorable Body concur, please pass a resolution to adopt Local Law No.1 at this time, so as to move the process forward under General Municipal Home Rule Law §20(4). Should you have any questions, please do not hesitate to contact me.

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

MOVED by Alderman Schmigel **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 December 16th, 2025, approves Local Law No. 1 for 2026 – Establishing Sewer Rates for 2026, and it reads as follows:

Section 75-15, Establishment of Rates

- a) The sewer rent for the beginning with the year 2026, is established according to a formula wherein the capital costs for such sanitary sewer system are recovered on hundred percent (100%) from water consumption through the sewer fund, and the costs of operation and maintenance of the sewage treatment system are recovered one hundred percent (100%) from water consumption through the sewer fund.
- b) Billing Schedule, additional charges.
 - 1. A minimum sewer charge of (\$15.00) per quarter is established and the gallons of consumption used associated with minimum will be zero.
 - 2. The sewer rent rate for the year beginning in the year 2026 for meter consumption shall be Five dollars (\$5.00) per thousand gallons of water consumption and shall be assessed and collected in conformance with the following schedule:

BILLING MONTH

June
September
December
March

Ayes: Alderman Schmigel, Marranca, Lavey (3)
Nays: None (0)
CARRIED.

II.2 Attorney

December 11, 2025

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

Re: Ordinance Revisions: (1) §98-2(S) – Conditions of Service, (2) §98-2(T) – Conditions of Service, (3) §98-2(J) – Conditions of Service, (4) §98-14 Penalties for Offenses

Dear Honorable Body,

Below for your consideration, are four (4) proposed ordinance revisions (in bold print) under North Tonawanda City Code Chapter 98 – Water

§98-2(J) Conditions of Service:

A. The Water Department Inspector, meter reader or other properly authorized representative shall have access, at all reasonable hours, to the premises supplied for the setting, reading, repairing or removing meters or for making necessary repairs. Replacement of meters shall be at the discretion of the Water Department. If access to the premises is not made available, a non-refundable fee of \$50 per month will be charged until access is granted. **When such access is refused for six (6) months, water may be turned off with no further notice to the property owner.** The Water Department reserves the right to shut off water at their curb box with no liability assigned to the department. Option 1: Homeowners will be required to allow access, obtain a plumbing permit, hire a licensed plumber to resume service, and comply with all other regulations in §98 of the North Tonawanda City Code before water may be turned on. This provision is retroactive to the date of first notice sent to the homeowner.

Or

Option 2: Water may be turned on after access to the premises is acquired by the North Tonawanda Water Department, and after it is established that turning the water on does not further damage property. This provision is retroactive to the date of first notice sent to the homeowner

NEW:

§98-2(S)(T) Conditions of Service

- S. After a homeowner or resident's non-compliance with any provision of Section 98 of the North Tonawanda water code, and after reasonable notice and inquiry, any water department employee who may be designated, upon exhibition of proper credentials or badges of the department, at reasonable hours shall have access to such premises. When such access is refused, the water may be turned off at the option of the Superintendent and not turned on again until after access is allowed, and the current fee, as set by the Water Department Fee schedule, has been paid to the Water business office. This procedure shall not be considered exclusive but is in addition to any other remedy available by law.
- T. All pipes, curb stops and curb stop boxes are considered the property of the property owner, who shall be responsible for any leakage which may occur between the water main in the street and the building supplied. It shall be the responsibility of the property owner to maintain the curb box in a manner that is easily accessible and in good working order. The North Tonawanda Water Department reserves the right to shut off or turn on the water at their curb box, and will be held harmless of liability I regards to same.

§98-14 Penalties for Offenses:

A. Any person, firm or corporation violating any provisions of this chapter, to include tampering with the meter, shall be fined not less than \$250 nor more than \$1,000 for each offense. Further, if any monetary credit exists at the time a meter is found to have been tampered with, that existing credit shall be null and void. **If it is found that a meter has been bypassed, or the meter does not exist, the Water Department reserves the right to shut off water at the curb box with no liability assigned to the department.** The building inspector and Code Enforcement Officer shall be responsible for enforcing compliance with this chapter.

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, Esq.
Assistant City Attorney

III.1 Clerk-Treasurer

December 4, 2025

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

Re: 2026 Agreement between the City of North Tonawanda and NiaCAP

Dear Mayor and Common Council:

I am asking that the Council approve this agreement between the City of North Tonawanda and Niagara Community Action Program for the amount of \$3,000 contingent upon City Attorney approval. Once approved the Mayor will be able to sign the contract.

Niagara Community Action Program has provided emergency services to the needy and disadvantaged persons within Niagara County for many years and this amount will help them in providing these services.

Regards,
Donna L. Braun
City Clerk-Treasurer

MOVED by Alderman Marranca SECONDED by Alderman Schmigel
That the Common Council hereby approves the enclosed 2026 Agreement between the City
of North Tonawanda and NiaCAP in the amount of \$3,000, and directs the Mayor to sign
said agreement.

Ayes: Alderman Schmigel, Marranca, Lavey (3)
Nays: None (0)
CARRIED.

III.2 Clerk-Treasurer

December 10, 2025

**Honorable Mayor
And Common Council
City Hall, 216 Payne Avenue
North Tonawanda, NY 14200**

Re: Account Clerk/ Senior Account Clerk

Dear Honorable Body,

I humbly request that the Common Council upgrade the two (2) Account Clerk positions to Senior Account Clerk positions. My request to you comes as we look to the future of both the Treasurer's office and the Clerk's office. We will have retirements in both offices within the next two years.

I have already reached out to Civil Service; the present Account Clerk's qualified to be a Senior Account Clerk. Moving forward with this action, once approved I will work with both Civil Service and CSEA Union to move forward with this plan.

The budgetary cost is minimal.

Sincerely,
Donna L. Braun
City Clerk-Treasurer

MOVED by Alderman Lavey **SECONDED** by Alderman Marranca
That the Common Council hereby tables the aforementioned request.

Ayes: Alderman Schmigel, Marranca, Lavey (3)
Nays: None (0)
CARRIED.

VII. Accountant

December 11, 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 December 16th, 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 Schmigel**
That the Common Council hereby authorizes for payment the current Abstract of Claims
for Common Council Audit dated December 16th, 2025, and further authorizes the Mayor
and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$333,543.61
02	Water Fund	\$23,104.41
04	Sewer Fund	\$130,165.66
06	Capital Project Fund	\$253,294.16
07	Trust & Agency Fund	<u>\$30,637.38</u>
00	Final Total	<u>\$770,745.22</u>

Ayes: Alderman Schmigel, Marranca, Lavey (3)
Nays: None (0)
CARRIED.

XXV. Monthly Reports

.1 Clerk-Treasurer .2 Senior Citizen Center

LATE COMMUNICATION

MOVED by Alderman Marranca **SECONDED** by Alderman Schmigel
To bring the following communication to the floor.

Ayes: Alderman Schmigel, Marranca, Lavey (3)
Nays: None (0)
CARRIED.

#1.
Attorney

December 16, 2025

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

Re: Extension of MOU's During Collective Bargaining Agreement Negotiations

Dear Honorable Body:

It has come to our attention that two current MOU's between the City of North Tonawanda and the AFSCME union below are due to expire on December 31, 2025. They are:

- 1) Section 5.49(B) regarding the use of seasonal help in sanitation and recycling positions as needed, and
- 2) Section 7.22, Job Group H-6 – regarding pay rate extension for Heavy Equipment Mechanics and the Heavy Equipment Mechanic Supervisor

As contact negotiations are currently ongoing, and these issues are being addressed in the negotiations, we request your consideration in extending the terms of these MOUs until such time as we are able to deal with them in near future negotiation sessions.

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

- 1) Section 5.49(B) regarding the use of seasonal help in sanitation and recycling positions as needed, and
- 2) Section 7.22, Job Group H-6 – regarding pay rate extension for Heavy Equipment Mechanics and the Heavy Equipment Mechanic Supervisor

Until negotiations are finalized.

Ayes: Alderman Schmigel, Marranca, Lavey (3)
Nays: None (0)
CARRIED.

AUDIENCE PARTICIPATION - None

ADJOURNMENT

MOVED by Alderman Marranca 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