

**THE HONORABLE BODY
Council Chambers
Municipal Building
North Tonawanda, New York 14120
Tuesday, April 21, 2026
6:28 P.M.**

REGULAR SESSION CALLED TO ORDER BY PRESIDENT RICHARDS

PLEDGE OF ALLEGIANCE

ROLL CALL

**Present: President Richards
Alderman Schulmeister, Roe, Murphy, Lavey**

Absent: None

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

****Prior to the Common Council meeting at 5:43 PM the Council called for an Executive Session Regarding Attorney Personal Injury Cases MOVED by Alderman Roe and SECONDED by Alderman Richards and motioned to adjourn at 6:10 PM MOVED by Alderman Roe and SECONDED by Alderman Richards ****

AUDIENCE PARTICIPATION-

Jack Kanack 84 South Meadow Drive-Suggested that we add no snow plowing on the bike path and no Piling of snow on the bike path. Attorney said it is already in the code.

APPROVAL OF THE MINUTES OF THE REGULAR SESSION APRIL 7, 2026

**MOVED by Alderman Richards SECONDED by Alderman Schulmeister
That the minutes of the regular session held April 7, 2026, be approved as circulated and filed in the Office of the City Clerk.**

Ayes: Alderman Schulmeister, Roe, Murphy, Lavey, Richards (5)

Nays: None (0)

CARRIED.

PROOF OF PUBLICATION PUBLISHED 03/24/2026

- 1) Legal Notice –Proposals for the 2026 Grass, Weed and Brush Cutting Contract – Building Inspector

PROOF OF PUBLICATION PUBLISHED 4/1/2026 & 4/8/2026

- 1) Legal Notice – For the Collection of the 2026 City Taxes – City Clerk-Treasurer

PROOF OF PUBLICATION PUBLISHED 4/3/2026

- 1) Legal Notice – For the Inventory and Valuation Data for Review of Assessments in the Township – City Assessor

Chapter 71 Public Market

[HISTORY: Adopted by the Common Council of the City of North Tonawanda 8-18-1908. Amendments noted where applicable.]

§ 71-1 Boundaries established.

The portion of the City of North Tonawanda described as follows, to wit: all that tract or parcel of Land Situated in the City of North Tonawanda, County of Niagara and State of New York, known and distinguished as part of Lot No. 79 of the Niagara River Reservation and bounded as follows: beginning at a point in the northerly line of Robinson Street 113 feet distant from where the easterly line of Payne Avenue intersects the northerly line of Robinson Street; thence easterly 200 feet along Robinson Street to the westerly line of Bryant Street; thence along Bryant Street 208 feet to the southerly line of a street to be named Market Street; thence westerly along Market Street 200 feet to an alley; thence along said alley 208 feet to the place of beginning, containing 10 forty-foot lots, according to a map made by Barrally and Snow, surveyors; is hereby declared to be and is established as a public market of the City of North Tonawanda, and shall be known as the North Tonawanda Public Market.

§ 71-2 Market Clerk; duties.

There shall be a Market Clerk, who shall have charge of such market and whose duty it shall be to have the general custody and control over such market, subject to the provisions hereinafter contained and subject to the supervision and direction of the Mayor . It shall be their duty to see that such market is kept in a clean, wholesome and sanitary condition. The Market Clerk retains the right to change, waive, or enact new rules and regulations as they deem necessary, within reason for the benefit of the market, the vendors and the patrons. The Market Clerk shall approve or deny vendors in such a way as to ensure product variety. Every person occupying any space, stand or stall on such market shall keep the same in a clean, sanitary condition, and no person shall throw or deposit on such market any decayed or refuse matter or substance of any kind.

§ 71-3 Report of violations; parking spaces.

It shall be the duty of the Market Clerk to report to the Mayor's Office, City Attorney, and City Clerk any violation of the ordinances relative to the sale of unwholesome or forbidden articles, and also the violation of any of the ordinances relating to the dealing and hawking of such articles as are subject to regulation by such ordinances. They may rent the stalls in the building on such Public Market at the price fixed and determined by the Common Council and allow the persons to whom same are rented to occupy the same during the time for which they are rented, provided they comply with these ordinances and with all regulations of the Market Clerk or other body having jurisdiction to make ordinances and regulations relating to said Public Market. They shall allow each person who shall have paid the fee therefor to occupy space upon such market grounds for his or her Truck, Trailer or other vehicle to stand, and until the fee for such space shall have been established by the Common Council, they may allot space for trucks, trailers or other vehicles free of charge. The space so occupied by each person shall not be deemed to be exclusive for the length of time for which such person may have paid or been allotted privileges upon such grounds greater than one market day.^[1]

[1]

Editor's Note: On 8-1-1960 the Common Council adopted by resolution the following additional regulations concerning the Public Market:

- 1. The farmers and hucksters have separate areas designated within the Public Market.*
- 2. Hucksters have their names, addresses and license numbers painted on the side of their trucks.*
- 3. The last row of the market parking area, nearest Bryant Street, be designated the huckster parking area.*

§ 71-4 Public Market Vending Exclusion Zone.

- a. Establishment of Zone.

A public market vending exclusion zone is hereby established extending 250 feet from the boundary lines of the public property designated as the City Market.

- b. Prohibited activities within the zone.

No person shall, within the exclusion zone and without written authorization from the city:

1. Operate or park any food truck, food trailer, pushcart, or mobile food unit for the purpose of selling or offering food or beverage.
 2. Sell or offer for sale any goods, merchandise, or services from a temporary or mobile set up.
 3. Set up tables, carts, stands, tents, or other structures for commercial sales.
- c. Exemptions:
- The provisions of this ordinance shall not apply to:
1. Lawfully established brick-and-mortar businesses operating from permanent fixed premises located on their own private property.
 2. Activities conducted pursuant to a valid permit, license, or authorization issued by the city for a special event or temporary use.
 3. The delivery of goods, food, or merchandise to a business or residence, provided that no on-site sales, solicitation, or commercial transactions occur.
- d. Purpose:
- This section is intended to protect the safe and efficient operation of City public markets, prevent pedestrian and traffic congestion, protect permitted vendors from unfair mobile competition, and ensure public health and safety.

[§ 71-5Market hours.](#)

[Amended 12-17-1974]

Said Public Market shall be kept open on Tuesdays, Thursdays and Saturdays between the hours of 7:00 a.m. and 1:00 p.m. The Market Clerk, or other market representative shall attend at such market at the opening of the same and shall remain until the closing hour. Vendors must arrive and set their stall before the opening of the market to the public (7:00am), and remain open until the closure of the market (1:00pm)

[§ 71-6Stall-leasing regulations.](#)

The Market Clerk shall not lease or allot any space or privilege upon such market to any huckster or provision merchant for any purpose whatsoever, and any lease of any stall, stand or space at said market shall not permit the same to be used or occupied for business or other purposes by any other person, nor shall be sublet the same or any portion thereof, except that the Market Clerk may lease stalls on said market at the price fixed by the Common Council to any person.

[§ 71-7Record book; inspection.](#)

The Market Clerk shall keep a book or set of books, in which he shall enter the name of each person to whom he shall lease a space, stand, stall or privilege and the amount of money received by him therefor; which book or books shall at all times be open to the inspection of any member of the Mayor's Office, or any other authorized City Official, including but not limited to the City Attorney, Clerk Treasurer, or Common Council.

[§ 71-8Funds payable to City Treasurer.](#)

On or before the last day of each and every week, during the time of the use and occupation of said market, said Market Clerk shall pay to the City Treasurer of North Tonawanda all moneys received by them for the sale of spaces, stands or stalls and privileges during the preceding week, and shall take the receipt of such Treasurer therefor.

[§ 71-9Fees payable in advance.](#)

[Amended 6-18-1973]

It shall be the duty of the City Clerk of the City of North Tonawanda to charge and collect in advance from each person applying to the Market Clerk for spaces, stands, stalls or privileges at such market upon an annual basis such annual rents and fees as may be fixed and prescribed for such spaces, stands, stalls or privileges by the Common Council; and no person shall occupy or be allowed to occupy any space, stand or stall or exercise any privilege at such market until he has paid the rents and fees authorized by the Common Council therefor.

[§ 71-10\(Reserved\) \[1\]](#)

[1]

Editor's Note: Former § 71-10, Hay or straw sale restricted, was repealed 6-4-2003.

[§ 71-11 Delivery permit.](#)

Whenever any person at said Public Market who shall have paid a fee for space or privilege thereat, or until a fee shall be prescribed for such space or privilege has been allotted the same, shall have sold his or her entire load of produce or the major portion thereof at such Public Market, he or she may apply to said Market Clerk for a permit to deliver any such produce which he or she may have sold; and thereupon said Market Clerk shall deliver such permit to such person, which permit shall state the name of the person so applying for same and the name or names of the persons to whom said load has been sold, and thereupon said persons may lawfully deliver said merchandise.

[§ 71-13 Establishment of fees.](#)

[Added 3-24-1960]

The Common Council may by resolution from time to time establish a series of fees and charges for the sale, use and rental of stalls or other spaces in said Public Market. Any changes made in such fees and charges as herein provided shall be published once in the official newspaper of the City of North Tonawanda, and such fees and charges shall become effective on a date which the Common Council shall designate in such resolution.

[§ 71-14 Use of Public Market Property.](#)

A. Forum Designation

City-operated public market property is designated as a **limited public forum** for the purpose of commercial market activity, vendor operations, and City-authorized events.

B. Prohibited Non-Market Activities

During market operating hours, no person shall engage in activities unrelated to authorized market operations without prior written authorization from the City, including:

1. Soliciting signatures or petition circulation
2. Distribution of literature unrelated to market vendors
3. Demonstrations, rallies, or campaign activity
4. Fundraising or solicitation unrelated to permitted vendors

C. Viewpoint Neutrality

This section shall be enforced in a viewpoint-neutral manner and is intended solely to ensure the safe, orderly, and efficient operation of the public market.

§ 71-15 Enforcement and Penalties

Any person, firm, or corporation that violates any provision of § 71-4(b) of this chapter shall be guilty of an offense and , upon conviction, shall be subjected to a fine not to exceed two hundred and fifty dollars (\$250) or imprisonment for a period not to exceed fifteen (15) days, or both such fine and imprisonment

Each day that a violation of this chapter is committed or permitted to continue shall constitute a separate and distinct offence.

In addition to the foregoing penalties, any person, firm, or corporation found in violation of this

Ayes: Alderman Schulmeister, Roe, Murphy, Lavey, Richards (5)

Nays: None (0)

CARRIED.

IV. Engineer

April 16, 2026

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

X.1 Police Chief

April 6, 2026

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

Dear Honorable Body:

Please reappoint the following as Commissioner of Deeds for the City of North Tonawanda:

- Timothy P. Bakula, effective April 22, 2026 and ending on April 21, 2028
- Michelle A. Day, effective May 4, 2026 and ending on May 3, 2028

Respectfully,
Keith T. Glass
Chief of Police

MOVED by Alderman Lavey

SECONDED by Alderman Roe

That the Common Council hereby approves the reappointment of the following for Commissioner of Deeds for the City of North Tonawanda:

- Timothy P. Bakula, effective April 22, 2026 and ending on April 21, 2028
- Michelle A. Day, effective May 4, 2026 and ending on May 3, 2028

Ayes: Alderman Schulmeister, Roe, Murphy, Lavey, Richards

(5)

Nays: None

(0)

CARRIED.

X.2 Police Chief

April 14, 2026

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

Dear Honorable Body,

There have been numerous complaints regarding vehicles parking on the newly established bike path along Sweeney Street. This ongoing issue presents a safety concern for cyclists and pedestrians who rely on the path for safe travel and recreation.

At present, there is no specific local ordinance that provides the police department with the authority to enforce violations related to vehicles obstructing the bike path. As a result, our ability to address these complaints and ensure the intended use of the path has been limited.

After consultation with the City Attorney, I have received approval to move forward with proposing a new ordinance that would prohibit the parking or standing of vehicles on designated bike paths within the City of North Tonawanda including the Sweeney Street bike path.

This proposed ordinance will provide clear enforcement authority, enhance public safety, and preserve the intended use of these pathways for non-motorized traffic.

Thank you for your consideration of this matter. I respectfully request your approval of this proposed ordinance.

Keith Glass
Chief of Police

MOVED by Alderman Lavey **SECONDED** by Alderman Schulmeister
That the Common Council at a regular session meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:28 PM on April 21st, 2026, approved the Amendment to Chapter 96 Vehicle and Traffic City Ordinance and it reads as follows:

Chapter 96. Vehicle and Traffic

ARTICLE 1. Parking and One-way Streets

Part 7. Parking Within a Designated Bicycle Path

§96-14.6. Definitions.

BICYCLE PATH

A bicycle path is any path, trail, or corridor designated by the City for bicycle travel that is physically separated from vehicular traffic and marked or intended for exclusive or shared use by bicycles and other authorized users.

§96-14.7. Restriction stated.

No person shall stop, stand, or park a vehicle within a designated bicycle path.

§96-14.8. Removal of vehicles.

The police may remove any vehicle operated, driven, or parked in violation of §96-14.7 above, may store the same, and the owner or operator of said vehicle shall be liable for the payment of reasonable charges for such removal and storage, in addition to any penalty imposed under §96-14.7 hereafter.

§96-14.9. Violation and penalties.

Any person, firm or corporation who violates the provisions of this ordinance shall, upon conviction thereof, be subject to a fine of \$30. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

Ayes: Alderman Schulmeister, Roe, Murphy, Lavey, Richards

(5)

Nays: None

(0)

CARRIED.

XIX. Building Inspector

April 14, 2026

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

On April 14, 2026 The Code Enforcement Office held a contractor bid opening for weed and clean-up services for 2026. Three proposals were received.

- **Nicnats Landscaping, 333 Selkirk Dr., North Tonawanda, NY 14120**
- **Black Sheep Land Services, 3589 Curtis Ave., Ransomville, NY 14131**
- **Tolsma Landscaping Services, 470 Frankhauser Rd., Amherst, NY 14221**

The low bidder for the services described in the bid package was Black Sheep Services.

MOVED by Alderman

SECONDED by Alderman

That the Common Council at a regular session meeting, held at City Hall, 216 Payne Avenue, North Tonawanda, New York at 6:28 PM on April 21st, 2026, approved the MOA between the City of North Tonawanda and CSEA Local 1000m AFL-CIO hereby agrees to assign new duties to a union member and it reads as follows:

WHEREAS, the Employer and the Union are parties to a Collective Bargaining Agreement (CBA) effective from January 1, 2024 to December 31, 2028; and

WHEREAS, the Employer currently employs a part-time position of Rental Registry; and

WHEREAS, the Employer desires to increase the hours of said position to full-time status, thereby making the position eligible for membership in the Union's bargaining unit;

NOW, THEREFORE, the parties agree to the following terms and conditions:

1. Position Reclassification & Status

Effective April 21, 2026, the position of Rental Property Compliance Officer shall be classified as a full-time position. The Employee who fills this shall be recognized as a member of the bargaining unit represented by the Union.

2. Compensation

The position shall be compensated at the Grade of 5 of the current CBA salary schedule.

3. Seniority

For the purposes of the CBA, the Employee's "Bargaining Unit Seniority" shall commence on, which is his/her original hire date

4. Benefits and Leave Accruals

The Employee shall be eligible for all full-time benefits (Health Insurance, Dental, Vision, Life Insurance) as outlined in the CBA. Leave accruals (Sick, Vacation, Personal) shall begin to accrue at the full-time rate effective April 21, 2026.

5. Union Dues

The Employer shall begin the deduction of Union dues from the Employee's payroll upon receipt of a signed dues authorization card, in accordance with the CBA and applicable law.

6. No Precedent

This Agreement is entered into based on the unique circumstances of this specific transition and shall not set a precedent or practice for any future personnel actions.

Ayes: Alderman Schulmeister, Roe, Murphy, Lavey, Richards

(5)

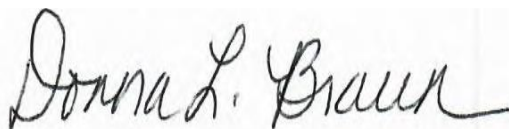
Nays: None

(0)

CARRIED.

Time of Adjournment: 6:54 P.M.

Respectfully submitted,



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