

PLEDGE OF ALLEGIANCE

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

Mark Polito 637 Fairmont Avenue-Encouraging the City Council to vote for the extension of the Moratorium on Data Processing Centers.

MOVED by Alderman Roe **SECONDED by Alderman Lavey**
That the minutes of the special session held June 9, 2026, be approved as circulated and
filed in the Office of the City Clerk.
Ayes: Alderman Schulmeister, Roe, Lavey, Murphy, Richards **(5)**
Nays: None **(0)**
CARRIED.

1) Legal Notice – Public Hearing to Amend City Code Chapter 18 Bicycles to add E-Bikes and Scooters – Police Chief

WHEREAS, the City of North Tonawanda Common Council has determined that in accordance with Section 617.5(c)(30) SEQR the adoption of a moratorium extension on applications for building permits and/or certificate of occupancies for land development or construction of or modification of Review, Approval, and Issuance of Permits for New Development of Cryptocurrency Mining and Data Processing Centers constitutes a Type II Action, and further that the proposed moratorium has been identified as an Action not having a significant impact on the environment and is not subject to review under SEQRA.

RESOLVED That the City of North Tonawanda Common Council will hold a public hearing on the aforesaid Local Law at the City Hall, 216 Payne Ave, North Tonawanda, New York, on the 19th day of May, 2026, at 6:00 pm, at which time all interested persons will be given an opportunity to be heard.

BE IT FURTHER RESOLVED, that the City of North Tonawanda hereby adopts a 12-month extension to the current moratorium on all new data processing centers and expansion of existing data processing centers, related to, but not limited to, cryptocurrency mining, blockchain authenticating, Artificial Intelligence (A.I.) processing, general data computing, processing and storage, and large-scaled electronic-based centers of the like, within the City of North Tonawanda.

BE IT FURTHER RESOLVED, that the City of North Tonawanda Common Council hereby authorizes and directs the City Clerk to send the following proposed Local Law to the Niagara County Planning Board and adjacent municipalities for their recommendations and review.

BE IT ENACTED by the Common Council of the City of North Tonawanda, NY, as follows:

SECTION 1. TITLE

This Local Law shall be known as **“Local Law in Relation to a Twelve (12) Month Extension of a Temporary Moratorium on the Review, Approval, and Issuance of Permits for New Development of Cryptocurrency Mining and Data Processing Centers”**

SECTION 2. LEGISLATIVE INTENT

Pursuant to the statutory powers vested in the City of North Tonawanda to regulate and control land use, and to protect the health, safety and welfare of its residents, the City of North Tonawanda Common Council approved Local Law 2024-2 on July 16th, 2024, adopting a Two-Year Moratorium on Cryptocurrency Mining and Data Processing Centers. The moratorium is set to expire on July 16, 2026.

In furtherance of Local Law No. of 2024-2, which established the moratorium, the City of North Tonawanda Common Council recognizes that the development of cryptocurrency mining and data processing centers pose significant concerns including, but not limited to, excessive noise, environmental impacts, increased energy demand, straining the power grid and increasing electricity costs for residents of the city as a whole, and impacts on neighborhood character and quality of life.

The Common Council further finds that while technological advancements may offer potential mitigation of these impacts, the City lacks sufficient regulatory framework to ensure that such developments align with municipal infrastructure, environmental limitations and community character.

The City of North Tonawanda Comprehensive plan is complete (November 18, 2025). Therefore, the Common Council finds that additional time is required to finalize zoning amendments and recommendations regarding the development of cryptocurrency mining and data processing centers. Given the complexity of zoning regulations and the need for public review and deliberation, the Common Council finds it necessary to extend the moratorium to ensure thoughtful policymaking.

SECTION 3. DEFINITIONS

For purposes of this Local Law:

- A. Cryptocurrency Mining** is the use of computers or related equipment to validate blockchain transactions or generate digital assets.
- B. Blockchain Authentication Operations** is any process involving distributed ledger verification using high-density computing systems.
- C. Data Processing Centers** shall include, but not be limited to, facilities housing multiple banks of computers within building, modular facilities containing processors in multiple storage-like containers, server clusters commonly known as "server farms," and other operations related to cryptocurrency mining, blockchain authenticating, Artificial Intelligence (A.I.) processing and platforming, general data computing, processing and storage, and other large-scale electronic-based centers of the like.
- D. Existing Operation** is a cryptocurrency mining or blockchain authentication operation in existence that has received site plan approval prior to the effective date of the original moratorium.
- E. Expansion** is any increase in physical footprint, intensity of use, number of units, processing capacity, or infrastructure beyond what existed prior to the original moratorium.

SECTION 4. ENACTMENT OF A TEMPORARY MORATORIUM

Until (12) months from the effective date of this Local Law, after which this Local Law shall elapse and be without further force of effect unless further extended, no agency, board or official of the City of North Tonawanda, including but not limited to the Common Council, the Zoning Board of Appeals, the Planning Commission or the Building Department, shall issue or review applications for any approval, special use permit, variance, site plan, building permit or permit for any cryptocurrency mining, block chain authentication operation or data processing center or data center.

SECTION 5. EXCEPTION DUE TO EXTRAORDINARY HARDSHIP

The Common Council may authorize exceptions to the moratorium imposed by this Local Law upon finding that postponing consideration of an application would impose extraordinary hardship from the strict requirements of this Local Law. An application for an exception shall be considered as follows:

- (a) Submission of ten (10) copies of an application containing the applicant's detailed arguments, including specific facts and evidence to support an alleged extraordinary hardship and such other information and documentation as the Common Council shall proscribe to consider the application for relief.
- (b) The payment of a filing fee determined by the building department with the application.
- (c) A public hearing on the extraordinary hardship application shall be held by the Common Council no later than 62 days after submission of a complete application and shall, within thirty (30) days of the close of said Public Hearing, or such further time as the Common Council needs to adequately assess the impact of the petition, render its decision either granting, denying, granting in part or denying in part, the petition for a variation from the strict requirements of this Local Law.
- (d) In reviewing a petition for relief from strict compliance with this Local Law based upon a claim of unnecessary or extraordinary hardship, the Common Council shall consider the criteria listed below. No application seeking relief or partial relief from the requirements and restrictions of this moratorium shall be granted unless the Common Council specifically finds and determines from the criteria below, and set forth in its resolution granting such relief in whole, or in part, that:
 - i. The extent to which the proposed application for relief is consistent with the goals and objectives of the updated City of North Tonawanda Comprehensive Plan.

- ii. The extent to which the proposed application for relief would adversely impact on the character of the surrounding neighborhood or cause harm to public health and safety.
 - iii. Whether the strict adherence to this temporary moratorium will expose an applicant or property owner to substantial monetary liability to a third person or would leave the applicant or property owner unable to use a reasonable alternative.
 - iv. Mere delay in the consideration of a proposed application for relief is insufficient to constitute an extraordinary hardship.
 - v. The mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special permit, site plan, or other permit during the period of the moratorium imposed by this Local Law
- (e) Upon concluding the public hearing, and after consideration of the application and evidence submitted, the Common Council shall, in its sole discretion, deny, approve, or approve with modifications the application for exception to this temporary moratorium.

SECTION 6. VIOLATIONS

Any person, firm, entity or corporation that shall violate the terms and provisions of this Local Law shall be subject to a penalty in the amount of one thousand dollars (\$1000.00) for each day such violation shall exist.

SECTION 7. SUPERSEDING AUTHORITY

This moratorium is adopted pursuant to Article IX of the New York State Constitution, the General City Law, General Municipal Law, and Municipal Home Rule Law of the State of New York. This chapter shall supersede any provisions of the City Code and New York State Law, (specifically N. Y. General City Law §27-a and §81-a), which require the Common Council, Planning Commission, Zoning Board of Appeals or Building Department to accept, process, and/or approve applications or issue permits for the development of cryptocurrency mining, block chain authentication operation or data processing centers within specified statutory time periods.

SECTION 8. SEVERABILITY

If any clause, sentence, paragraph, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof.

SECTION 9. EFFECTIVE DATE

This law shall become effective upon filing with the office of the New York State Secretary of State in accordance with the Municipal Home Rule Law.

Ayes: Alderman Schulmeister, Roe, Lavey, Murphy, Richards	(5)
Nays: None	(0)
CARRIED.	

L2 Mayor

June 2, 2026

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

Re: Establishing the North Tonawanda City Charter Commission

Dear Clerk-Treasurer Braun:

Lou DalPorto, Chair
Daniel Brick, Vice Chair
Susan Taylor, Secretary
Kate Wistner
Frank Laurendi
Ellen Hutton
Chet Klimek
Darlene Bolsover
James McGinnis
Frank Burkhart
Mary Martin
Heather Farley

**Respectfully,
Austin Tylec
Mayor**

MOVED by Alderman Lavey **SECONDED by Alderman Roe**
That the Common Council hereby receives and files the appointment of Lou DalPorto, Daniel Brick, Susan Taylor, Kate Wistner, Frank Laurendi, Ellen Hutton, Chet Klimek, Darlene Bolsover, James McGinnis, Frank Burkhart, Mary Martin and Heather Farley, to the North Tonawanda City Charter Commission
Ayes: Alderman Schulmeister, Roe, Lavey, Murphy, Richards **(5)**
Nays: None **(0)**
CARRIED.

June 2, 2026

Re: Boat House Transfer

Dear Honorable Body:

Recently my office has had a request to transfer the lease regarding the boat house property located on Weatherbest Lot 32, from the Estate of Donald French to Heather and Dylan Leith. Pursuant to the current lease, transfer of the lease between family members requires Common Council approval and the payment of a transfer fee in the amount of \$950.00.

A Certificate of Insurance covering the leased Weatherbest premises in the amount of \$100,000 to \$300,000, with the City of North Tonawanda named as an additional insured on the Certificate must also be provided.

If your Honorable Body finds it appropriate, please pass a resolution to approve the requested transfer. If you have any questions, please do not hesitate to contact me.

Very truly yours,
Edward A. Zebulske, III

06-16-2026

City Attorney

MOVED by Alderman Schulmeister SECONDED by Alderman Richards
That the Common Council hereby approves the lease transfer regarding the boat house property located on Weatherbest Lot 32, from the Estate of Donald French to Heather and Dylan Leith, for a transfer fee of \$950.00.
Ayes: Alderman Schulmeister, Roe, Lavey, Murphy, Richards (5)
Nays: None (0)
CARRIED.

VII. Accountant

June 11, 2026

**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 June 16th, 2026, 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 Richards SECONDED by Alderman Lavey
That the Common Council hereby authorizes for payment the current Abstract of Claims for Common Council Audit dated June 16th, 2026, and further authorizes the Mayor and City Clerk-Treasurer to respectively sign and countersign said Warrant:

01	General Fund	\$625,285.11
02	Water Fund	\$ 30,048.47
04	Sewer Fund	\$ 67,683.11
06	Capital Project Fund	\$156,094.96
07	Trust & Agency Fund	<u>\$ 16,734.36</u>
00	Final Total	\$895,846.01

Ayes: Alderman Schulmeister, Roe, Lavey, Murphy, Richards (5)
Nays: None (0)
CARRIED.

X. Police Chief

April 27, 2026

**Mayor Austin Tylec and
The North Tonawanda Common Council
216 Payne Avenue
North Tonawanda, NY 14120**

Dear Honorable Body,

I am respectfully submitting for your consideration a proposed local law to repeal the current provisions of Chapter 18 of the City Code and replace them with updated regulations addressing the use of bicycles, electric bicycles, scooters, and similar devices in areas designated for City-sponsored events.

The existing Chapter 18 provisions, originally adopted in 1947, primarily address bicycle licensing and registration requirements, which are no longer practical or enforced in modern policing practices. As such, the current code does not provide the police department with an effective means to address safety concerns that arise during large public gatherings.

In recent years, the City has experienced increased attendance at public events, including markets, festivals, concerts, and similar gatherings held on City property. These events create densely populated pedestrian environments where the operation of bicycles, e-bikes, and scooters presents a safety risk due to congestion, limited maneuverability, and the potential for collisions.

The proposed local law establishes a clear and enforceable prohibition on the operation of such devices within designated City-sponsored event areas during event hours. Importantly, the law is intentionally structured to:

- Apply broadly to all City-sponsored events without naming specific events, allowing flexibility as events change from year to year.
- Exclude private events unless they are formally designated and conducted by the City.
- Provide reasonable exceptions for emergency personnel, City staff, and individuals utilizing mobility assistance devices.
- Give officers a clear enforcement standard to ensure pedestrian safety.

This update will provide the necessary legal framework to enhance public safety while maintaining flexibility for City operations and event planning.

Thank you for your consideration of this proposal. I am available to answer any questions or provide further clarification as needed.

Respectfully submitted,
Keith Glass
Chief of Police

MOVED by Alderman Richards SECONDED by Alderman Roe
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 June 16th, 2026, approved the amendment to City Code Chapter 18 Bicycles to add E-Bikes and Scooters and it reads as follows:

Chapter 18 (Bicycles, E-Bikes, and Scooters)
(Repeal and Replace)

§ 18-1. Legislative Intent and Purpose.

The Common Council of the City of North Tonawanda finds that the operation of bicycles, electric bicycles, scooters, and similar devices in areas designated for City-sponsored public gatherings creates congestion and safety hazards for pedestrians.

The purpose of this chapter is to promote the safe and orderly movement of pedestrians and to protect the public health, safety, and welfare during such gatherings.

§ 18-2. Definitions.

For the purposes of this chapter, the following terms shall have the meanings indicated:

- Bicycle – Every two or three-wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears, with such wheels in a tandem or tricycle, except that it shall not include such a device having solid tires and intended for use only on a sidewalk by pre-teenage children.

- Electric Bicycle (E-Bike) – A bicycle which is no more than thirty-six inches wide and has an electric motor of less than seven hundred fifty watts, equipped with operable pedals, meeting the equipment and manufacturing requirements for bicycles adopted by the Consumer Product Safety Commission under 16 C.F.R. Part 1512.1 et seq. and meeting the requirements of one of the following three classes:
 - “Class one bicycle with electric assist.” A bicycle with electric assist having an electric motor that provides assistance only when the person operating such bicycle is pedaling, and that ceases to provide assistance when such bicycle reaches a speed of twenty miles per hour.
 - “Class two bicycle with electric assist.” A bicycle with electric assist having an electric motor that may be used exclusively to propel such bicycle, and that is not capable of providing assistance when such bicycle reaches a speed of twenty miles per hour.
 - “Class three bicycle with electric assist.” Solely within a city having a population of one million or more, a bicycle with electric assist having an electric motor that may be used exclusively to propel such bicycle, and that is not capable of providing assistance when such bicycle reaches a speed of twenty-five miles per hour.
- Scooter – Any wheeled device, including electric scooters, designed for standing or seated operation, powered by human or electric means.
- Electric Scooter - Every device weighing less than one hundred pounds that (a) has handlebars, a floorboard or a seat that can be stood or sat upon by the operator, and an electric motor, (b) can be powered by the electric motor and/or human power, and (c) has a maximum speed of no more than twenty miles per hour on a paved level surface when powered solely by the electric motor.
- City-Sponsored Event Area – Any public street, park, sidewalk, or other City-owned or controlled property that has been officially designated, permitted, or authorized by the City of North Tonawanda for a public event, gathering, market, festival, concert, or similar activity organized, sponsored, or conducted by the City.
- Event Hours – The period of time during which a City-sponsored event area is open to the public, including any time designated for setup, operation, or breakdown as determined by the City.

§ 18-3. Prohibited Conduct.

No person shall operate, ride, or otherwise use any bicycle, electric bicycle, scooter, or electric scooter within a City-sponsored event area during event hours.

§ 18-4. Exceptions.

The provisions of this chapter shall not apply to:

1. Law enforcement officers, fire personnel, or emergency responders acting in the performance of their official duties.
2. City employees or authorized personnel performing official work within the designated area.
3. Individuals using mobility assistance devices, including wheelchairs or other devices required for accessibility in compliance with applicable law.

§ 18-5. Enforcement and Penalties.

A violation of this section shall constitute an offense punishable as follows:

- A fine not to exceed \$100 for a first offense;
- A fine not to exceed \$250 for a second offense;
- A fine not to exceed \$500 for subsequent offenses.

In addition to any fine imposed, a police officer may direct the immediate removal of the prohibited device from the City-sponsored event area.

§ 18-6. Applicability.

This chapter shall apply only to events that are organized, sponsored, or officially authorized by the City of North Tonawanda, and shall not apply to private events held within the City unless

such events are conducted on City property and formally designated as a City-sponsored event area.

§ 18-7. Repealer.

All prior provisions of Chapter 18, including outdated bicycle licensing requirements originally adopted in 1947, are hereby repealed in their entirety.

§ 18-8. Severability.

If any clause, sentence, paragraph, or part of this chapter shall be adjudged invalid, such judgment shall not affect the remainder thereof.

§ 18-9. Effective Date.

This chapter shall become effective immediately upon passage thereof.

Ayes: Alderman Schulmeister, Roe, Lavey, Murphy, Richards (5)
Nays: None (0)
CARRIED.

XIV. Youth, Recreation, Parks & Seniors

June 11, 2026

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

I ask you to review and approve the attached agreement between the City and Tonawandas Gateway Harbor Inc (TGHI).

As you are aware the City was awarded a grant from Assemblyman Conrads office to purchase a stage. This grant was earmarked specifically to assist Gateway in replacing their ageing performance stage while giving the City the ownership of the stage to use for other city sponsored events and activities.

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

**MOVED by Alderman Schulmeister SECONDED by Alderman Roe
That the Common Council hereby approves the attached agreement between the City of North Tonawanda and Tonawandas Gateway Harbor Inc. (TGHI).
Ayes: Alderman Schulmeister, Roe, Lavey, Murphy, Richards (5)
Nays: None (0)
CARRIED.**

XVII. Traffic Safety

May 18, 2026

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

Traffic Safety Minutes:

The May 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, J.

Sikora, M. Lemke, N. Ferguson, M. Nalbone, Richard Hall and R. Orlowski. The minutes from the previous meeting were read and accepted, the following new concerns/requests were discussed, and recommendations made.

- 1. Request from John Bielecki to try and resolve issues at Orchard Place/Division Street/TCMH. First issue is Orchard Place does not have complete sidewalks, so kids/adult must use the street to walk down. Second issue is the exit to TCMH getting on to Division before Tremont Street. The exit is right in line with Orchard Place. Vehicles are doing 45+ at the exit and continue to do so down Orchard Place. The committee studied this situation, and we believe the exit must be closed off permanently. Member Meisenburg will be discussing this issue with City Engineering and State Engineering to see if this is possible
- 2. Request from Sil Dan wanting Meadow and Wayne a 4 way stop which would mean adding stop signs on Meadow Drive. Sil has indicated that there is consistent speeding on Meadow Drive. Member Frank will be having his team do radar in this area. The committee will continue to observe this area before we make any future decisions.

The next Traffic Safety Meeting will be held on June 15th, 2026

Travel safely!
Matthew R. Meisenburg

MOVED by Alderman Richards **SECOND** by Alderman Roe
That the Common Council hereby receives and files the Traffic Safety minutes from their May meeting.
Ayes: Alderman Schulmeister, Roe, Lavey, Murphy, Richards (5)
Nays: None (0)
CARRIED.

XXV. Monthly Reports

.1 Clerk-Treasurer

MOVED by Alderman Lavey **SECONDED** by Alderman Roe
That the Common Council hereby receives and files the aforementioned Monthly Reports.
Ayes: Alderman Schulmeister, Roe, Lavey, Murphy, Richards (5)
Nays: None (0)
CARRIED.

COMMUNICATIONS FROM OTHERS

A.
iHope Community Church

June 4, 2026

City of North Tonawanda
216 Payne Avenue
North Tonawanda, NY 14120

Traffic Superintendent:

Our team at iHope Community Church is planning an outdoor event on the evening of Thursday, July 2nd, 2026, to provide refreshments free of charge to children and families who will be attending our children’s program during the week. We would like to request temporary closure of the street directly in front of the church building (Corner of

**Respectfully,
Benjamin Reiman**

Ayes: Alderman Schulmeister, Roe, Lavey, Murphy, Richards (5)
Nays: None (0)
CARRIED.

Ayes: Alderman Schulmeister, Roe, Lavey, Murphy, Richards (5)
Nays: None (0)
CARRIED.

06-16-2026

Parade lineup will begin at 12:00 p.m. at the intersection of Oliver Street and 10th Avenue. The parade will step off at 1:00 p.m., proceeding north on Oliver Street, turning left onto Ward Road and concluding at Gratwick Hose Company.

Thank you for your consideration of this request and for your continued support of the North Tonawanda Fire Department and its members

**Respectfully,
Doug D. Orlowski
Fire Chief**

MOVED by Alderman Lavey SECONDED by Alderman Roe
That the Common Council hereby grants permission for the North Tonawanda Fire Department to host the 2026 TNT Firemen’s Inspection Day Parade on Saturday, June 20, 2026, and directs the Police Department to provide Auxiliary Police for traffic control, and DPW to provide barricades for said event.

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

Nays: None (0)

CARRIED.

CARRIED.

AUDIENCE PARTICIPATION

Jack Kanack 84 South Meadow-Thanked the city for voting on the Extension for the Moratorium. Is the city aware of the accusation between T-Mobile and Greenlight?

Sonia Douza 123 Miller Street-North Tonawanda needs to follow the rules, we need the Building/Enforcement Department to do their jobs

Deobrah Gondek 257 Brentwood Drive-Where does the city stand on the noise citations that have been issued and what is the status in the Courts? Every night the Erie Avenue property is violating the noise ordinance.

Sharon Demers 1070 Remington Drive-She has a log of the dates and times that she has called on the noise from Digi host-she is tired of not being able to sleep at night.

Kevin O’Connell 1064 Remington Drive-Would like to know how many citations have been given so far at Digi host. Also, would like to state that he feels the Judge that is overseeing the citations in court, was the City Attorney at the time this project was passed thru the Council and Planning Commission.

ADJOURNMENT

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

Time of Adjournment: 7:38 P.M.

Respectfully submitted,

Donna L. Braun

Donna L. Braun
City Clerk-Treasurer