

Agenda
Council Chambers
Tonawanda, New York
August 15, 2017

A Regular Meeting of the Common Council

Present: Council President Koch

Present Councilmembers: Gilbert, Smilinich, Rautenstrauch, Toth

Pledge of Allegiance led by Council President Koch

Prayer led by Associate Chaplain Dorthea Schweitzer

Bid Openings:

Thursday, July 27, 2017
10:00 A.M.

CDBG Sanitary Sewer Lining- 2017

United Survey, Inc.

25145 Broadway Avenue
Oakwood Village, OH 44146 \$115,500.00

Insituform Technologies. LLC

17988 Edison Avenue
Chesterfield, MO 63005 \$129,985.00

Arold Construction Co., Inc.

51 Powder Mill Bridge Road
Kingston, NY 12401 \$180,610.00

Friday, August 4, 2017
10:00 A.M.

SIDEWALK REPLACEMENT – 2017

CVF Inc.

100 Burkhardt Ave.
Depew, NY 14043 \$94,630.00

Millennium Construction

3024 Niagara Falls Blvd
North Tonawanda, NY 14120 \$98,350.00

Master Edge, Inc.

3409 Broadway St Cheektowaga, NY 14227	\$99,770.00
Campobello Construction 23 Stratford Rd. Buffalo, NY 14216	\$105,200.00
Roman Construction Dev. Corp. 7279 Lakeview Ct. Pendleton, NY 14094	\$106,500.00
NewCal Construction, Inc. 10994 Tinkham Road Darien, NY 14040	\$139,980.00
Leone Construction Inc. 635 Hopkins Rd. Williamsville, NY 14221	\$155,790.00

COMMUNICATIONS FROM THE MAYOR

Communication to Walgreenø notifying them of the August 24th Public Meeting regarding possible closing of Young Street
Letter from Mayor Davis to Kimberley Minkel of the NFTA concerning the possible permanent shutdown of Young St. and the possible affect on bus routes

COMMUNICATION FROM CITY OFFICIALS AND CORRESPONDENCE

A report from City Treasurer, Joseph Hogenkamp listing overtime costs of various departments from Canal Fest 2017
City of Tonawanda Planning Board Decision to approve the application for ReZoning of a portion of SBL38.73-2-1.1 with conditions.
Minutes of the Plumbing Board from January through July 2017
Letter to Tony Berraffato from Council President Koch thanking him for hosting their 30th Anniversary Extravaganza

The following monthly reports were received by the City Clerk:

July Activity Report of the Tonawanda Fire Department

Referred to the Committee of the Whole
Ordered filed

The Tonawanda Common Council, in an effort to conduct business in a timely fashion and maintain an open line of communication with the public, welcomes comments on resolutions.

- *Persons wishing to speak and be recognized by the President of the Common Council are to be courteous, respectful, non-repetitive and brief.*
- *All questions and/or comments should be addressed to the President of the Common Council.*
- *Please state your name and address clearly for inclusion in the Common Council minutes. In the event any person wishes a response outside the confines of the Common Council meeting, please leave all necessary contact information with the City Clerk after the meeting.*
- *Persons may address the Common Council during (2) separate sessions of the meeting for a total of 30 minutes per session. Once prior to the resolutions and also after the resolutions prior to Common Council comments.*
- *Individuals may speak a total of (3) minutes per speaker per session. The President of the Common Council will adhere to this (3) minute guideline in an effort to allow everyone an opportunity to speak who wishes to do so.*
- *The President of the Common Council reserves the Council's right to limit or expand upon these limits as he/she may deem necessary and prudent.*

COMMENTS BY THE PUBLIC ON RESOLUTIONS

MOTIONS AND RESOLUTIONS

1. By Councilmember _____ seconded by Councilmember _____
Resolved, that the Common Council minutes from August 1, 2017, be accepted as filed.

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

2. By Councilmember _____ seconded by Councilmember _____
Resolved, that the bills be allowed as audited and that the City Clerk draw warrants on the Treasurer for the various amounts.

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

3. By Councilmember _____ seconded by Councilmember _____
Resolved, that the reading of the resolutions be waived.

Gilbert, Smilinich, Rautenstrauch, Toth, Koch
Ayes:
Nays:

4. By Councilmember _____ seconded by Councilmember _____
Resolved, at the recommendation of the City Engineer, Jason J. LaMonaco, P.E., that award of the contract for CDBG Sanitary Sewer Lining-2017 be made to United Survey, Inc. at a cost not to exceed \$115,500.00.

Gilbert, Smilinich, Rautenstrauch, Toth, Koch
Ayes:
Nays:

5. By Councilmember _____ seconded by Councilmember _____
Resolved, that pursuant to the request of Fire Chief Chuck Stuart that the Erie County Water Authority be authorized and directed to install a fire hydrant on Niagara Shore Drive in the area of 79 Niagara Shore Drive to provide for a 450 foot spacing to the next street hydrant.

Gilbert, Smilinich, Rautenstrauch, Toth, Koch
Ayes:
Nays:

6. By Councilmember Rautenstrauch _____ seconded by Councilmember _____

WHEREAS: The Western New York Children's Psychiatric Center opened in West Seneca in 1970. The center takes seriously emotionally disturbed children between the ages of 4 to 18 years old from 19 Western New York counties. The 19 different counties in New York State include: Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Erie, Genesee, Herkimer, Livingston, Monroe, Niagara, Ontario, Orange, Orleans, Oswego, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, Wyoming and Yates; and

WHEREAS: Despite the significant volume from these 19 counties the Western New York Children's Psychiatric Center has the lowest 30 day and 90 day reinstatement or re-institutionalization rate of any facility in New York State. The costs of long term hospitalization and institutionalization are drastically reduced and eliminated when the readmission rates are low; and

WHEREAS: Governor Cuomo in his 2017 Budget proposed that the West Seneca Children's Psychiatric Center be moved to the Buffalo Psychiatric Center, an adult facility and campus. Moving these children into an adult setting would not be

therapeutically beneficial and may in fact be detrimental to the psyches of many of these children; and

WHEREAS: The medicinal and therapeutic benefits of treating and counseling children with mental illnesses in both rural and school settings have been documented in many medical journals and academic papers. The Governor's proposal to place these children in a lock down facility with adults runs counter to science, logic and common sense; and

WHEREAS: The New York State Assembly and Senate unanimously passed A6505 / S4630 which prohibit the collocation of certain children's facilities with adult facilities in Erie County; and

WHEREAS: Governor Cuomo needs to sign this bill and save WNY Children's Psychiatric Center in West Seneca.

NOW THEREFORE BE IT RESOLVED: The Common Council and Mayor Davis fully support the passage of the above bills in the New York State Legislature and also strongly encourage Governor Cuomo to immediately sign this necessary legislation into law.

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

7. By Councilmember _____ seconded by Councilmember _____
Resolved, at the recommendation of the City Engineer, Jason J. LaMonaco, P.E., that award of the contract for Sidewalk Replacement ó 2017 be made to CVF, Inc. at a cost not to exceed \$94,630.00.

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

8. By Councilmember _____ seconded by Councilmember _____
WHEREAS, it is the intent of the Common Council to promote the public health, safety, and welfare of the community by protecting the public and the environment from tobacco-related litter; by discouraging inherently dangerous behavior of smoking around non-tobacco users, especially children; by reducing involuntary exposure to secondhand smoke where people play, exercise, and relax, by reducing the potential for children to wrongly associate tobacco use with a healthy lifestyle, and by affirming and promoting a healthy environment in and around the City's recreational areas.

NOW THEREFORE BE IT RESOLVED, that the Common Council hereby adopts a policy that all City owned parks, playgrounds, and recreation areas including the intermodal hub, shall be smoke-free; and

BE IT FURTHER RESOLVED that all the necessary and appropriate signage shall be provided by the Erie-Niagara Tobacco-Free Coalition - Roswell Park Cancer Institute, at no cost to the City; and

BE IT FURTHER RESOLVED that enforcement of this policy will occur through voluntary compliance.

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

9. By Councilmember _____ seconded by Councilmember _____

BE IT RESOLVED, that the Common Council be authorized and directed to advertise and to hold a Public Hearing, pursuant to legal publication, regarding The Re-Zoning of property commonly known as "Little League Development Property" located at 151 Little League Drive, Real Property Tax Parcel #38.81-1-10 and a portion of 777 Niagara Street, Real Property Tax Parcel #38.73-2-1.1 in the City of Tonawanda, known as Part of Lots 89 and 90, The (Two) Mile Reserve and Property consists of approximately 14 acres, from zoning classification R-1 Single-Family Residence District to zoning classification R-2 General Residence District;

BE IT FURTHER RESOLVED, that this Public Hearing shall be held on Tuesday, September 19, 2017 at 7:30 P.M. in the City Hall, Common Council chambers, 200 Niagara Street, Tonawanda, New York.

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

10. By Councilmember _____ seconded by Councilmember _____

Resolved, that Mayor Davis is authorized to execute and enter into an agreement with SmartEdge, to provide preventative maintenance and servicing of HVAC, automatic temperature controls, and direct digital controls located in City facilities for five years from September 1, 2017 through August 31, 2022.

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

11. By Councilmember _____ seconded by Councilmember _____

Resolved, whereas, the City desires to participate in the Tonawanda Rails to Trails Extension Project, PIN 5761.02 (the "Project") sponsored by the County; and

Whereas, the City is the owner of public land contained within the Maple Street, Glenwood Avenue, Young Street, Fillmore Avenue and East Niagara Street rights-of-way (ROW) which is required for construction of the Project; and

Whereas, the County, as Project Sponsor, requires the City's permission to construct the Project within the Maple Street, Glenwood Avenue, Young Street, Fillmore Avenue and East Niagara Street ROW; and

Whereas, the City Attorney Ronald C. Trabucco has reviewed the proposed inter-municipal Agreement and found it acceptable; and

Whereas, City of Tonawanda Common Council has reviewed the proposed inter-municipal Agreement.

Now, therefore be it resolved that the City of Tonawanda Common Council authorizes and directs Mayor Rick Davis to enter into said inter-municipal Agreement with Erie County for the purposes described above.

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

12. By Councilmember _____ seconded by Councilmember _____
Resolved, at the recommendation of the City Engineer, Jason J. LaMonaco, P.E., that award of Niagara River Stream Bank Stabilization Change Order No. 2 be made to Yarussi Construction, Inc. as a credit to the City of Tonawanda in the amount of \$78,329.53.

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

13. By Councilmember _____ seconded by Councilmember _____
Whereas, a Special Events application was received by the City Clerk on July 31, 2017 from the Fiorella's Garden Center to conduct a Halloween Spooktacular
Whereas, the application was reviewed and commented on by all appropriate department heads to insure the safety and well being of our residents
Therefore, be it resolved that permission be granted to the Fiorella's Garden Center to hold their Halloween Spooktacular on October 15, 2017 and close Fletcher Street between Young and Delaware between noon and 4:00 P.M. Event to be coordinated with Captain Fred Foels and the Tonawanda Fire Department and further
Resolved, that a Certificate of Insurance naming the City of Tonawanda as additional insured be filed with the City Clerk no later than September 15, 2017

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

14. By Councilmember _____ seconded by Councilmember _____
Resolved, that in recognition and compliance with the "New York State Open Meetings Law", this Common Council will meet in Executive Session in the Common Council Chambers for the purpose of pending exempt City business, and further be it
Resolved, that upon conclusion of the above stated business matters; the meeting shall again be open to the general public. The reason for the Executive Session is to discuss personnel.

Gilbert, Smilinich, Rautenstrauch, Toth, Koch
Ayes:
Nays:

COMMENTS FROM THE PUBLIC AFTER RESOLUTIONS

COMMENTS FROM THE COUNCILMEMBERS AFTER RESOLUTIONS

ADJOURNMENT

15. By Councilmember _____ seconded by Councilmember _____
Resolved, that this Common Council adjourn until September 5, 2017.

Gilbert, Smilinich, Rautenstrauch, Toth, Koch
Ayes:
Nays: