

Agenda
Council Chambers
Tonawanda, New York
November 8, 2017

A Regular Meeting of the Common Council

Present: Council President Koch

Present Councilmembers: Gilbert, Smilinich, Rautenstrauch, Toth

Pledge of Allegiance and Prayer led by Associate Chaplin Dave Nedell

Public Hearing
2018 General, Water & Sewer Operating Budgets
2018 Capital Plan

COMMUNICATIONS FROM THE MAYOR

Letter to Mayor Rick Davis from the Corps of Engineers thanking him for comments regarding the proposed plan for the Tonawanda Landfill Operable Unit of the Tonawanda Landfill Vicinity Property.

Letter to Mayor Rick Davis and the Common Council regarding installation of docks on Ellicott Creek and along the River behind City Hall and the Pavilion from Peter Gfroerer

COMMUNICATIONS FROM CITY OFFICIALS AND CORRESPONDENCE

Email Communication to Council President Jenna Koch from Trey Measer of the Bee Group Newspapers advising that they will expand coverage into the Twin Cities next month.

Email communication to Council President Jenna Koch from the US Army Corps of Engineers with Record of Decision for the Landfill Operable Unit of the Tonawanda Landfill Vicinity Property.

Overtime Report from the City Treasurer as of October 30, 2017

October Minutes of the Traffic and Safety Advisory Board

September & October Monthly Reports of the City Clerk

Projected Fire Overtime Costs for year 2018

Recommendation from Dog Control Officer Jace Kowsky regarding dog control ordinance changes

October Minutes of the Board of Appeals

Thank-you card for the donation by the City Officials Picnic from Grove Street Christian Church Warmth for Hungry Hearts

Thank you letter to the Tonawanda City Officials Club c/o Mark Saltarelli and Gayle Syposs thanking the group for donation to St. Francis Outreach Program

Copy of Council President Koch's letter to Joel Husvar and Robert Liebeck welcoming their business to Tonawanda

Lease Agreement from Erie County Board of Elections for Polling Locations

Referred to the Committee of the Whole

COMMENTS BY THE PUBLIC ON RESOLUTIONS

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 and other City business.

- 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.
- Usage of cell phones other than for emergency is prohibited during all Council Sessions.

MOTIONS AND RESOLUTIONS

1. By Councilmember _____ seconded by Councilmember _____

Resolved, that the Common Council minutes from October 17, 2017 be accepted as filed.

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

2. By Councilmember _____ seconded by Councilmember _____

Resolved, that the reading of the resolutions be waived.

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

3. By Councilmember _____ seconded by Councilmember _____

WHEREAS, Local Law No. 2 for the year 2017 for the City of Tonawanda entitled:

A Local Law to amend Section 110-184 of the Code of the City of Tonawanda entitled "Cold War Veterans Exemption".

Was unanimously introduced by the Common Council on October 17, 2017, and laid upon each Council Member's desk for seven days, excluding Sunday; and

WHEREAS, proposed Local Law No. 2 for the year 2017 has been reviewed and deliberated upon by the Common Council;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council hereby approves and enacts Local Law No. 2 for the year 2017, attached hereto and made a part hereof.

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

4. By Councilmember _____ seconded by Councilmember _____

LOCAL LAW NO. 2 FOR THE YEAR 2017

A Local Law providing for the "Cold War Veterans Exemption" pursuant to Section 458-b of the New York State Real Property Tax Law regarding General Municipal real property taxes for veterans who served during the Cold War Period.

BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF TONAWANDA AS FOLLOWS:

A Local Law to amend Section 110-184 of the Code of the City of Tonawanda entitled "Cold War Veterans Exemption" is hereby amended to read as follows:

1. Definitions:

(a) "Cold War veteran" means a person, male or female, who served on active duty for a period of more than three hundred sixty-five days in the United States armed forces, during the time period from September second, nineteen hundred forty-five to December twenty-sixth, nineteen hundred ninety-one, was discharged or released therefrom under honorable conditions and has been awarded the Cold War recognition certificate as authorized under Public Law 105-85, the 1998 National Defense Authorization Act.

(b) "Armed forces" means the United States army, navy, marine corps, air force, and coast guard.

(c) "Active duty" means full-time duty in the United States armed forces, other than active duty for training.

(d) "Service connected" means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty on active military, naval or air services.

(e) "Qualified owner" means a Cold War veteran, the spouse of a Cold War veteran, or the unremarried surviving spouse of a deceased Cold War veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the unremarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.

(f) "Qualified residential real property" means property owned by a qualified owner which is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this section. Such property shall be the primary residence of the Cold War veteran or the unremarried surviving spouse of a Cold War Veteran; unless the Cold War veteran or unremarried surviving spouse is absent from the property due to medical reasons or institutionalization for up to five years.

(g) "Latest state equalization rate" means the latest final equalization rate established by the state board pursuant to article twelve of the New York State Real Property Tax Law.

2. Exemptions:

(a) Qualifying residential real property shall be exempt from taxation to the extent of fifteen percent of the assessed value of such property; provided however, that such exemption shall not exceed twelve thousand dollars or the product of twelve thousand dollars multiplied by the latest state equalization rate of the assessing unit.

(b) In addition to the exemption provided by paragraph (a) where the Cold War veteran received a compensation rating from the United States veterans affairs or from the United States department of defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold War veteran disability rating; provided however, that such exemption shall not exceed forty thousand dollars, or the product of forty thousand dollars multiplied by the latest state equalization rate for the assessing unit.

(c) Limitations:

(i) The exemption from taxation provided by this Local law shall be applicable to county and city taxation, but shall not be applicable to taxes levied for school purposes.

(ii) If a Cold War veteran receives the exemption under section four hundred fifty-eight or four hundred fifty-eight-a of this title, the Cold War veteran shall not be eligible to receive the exemption under this Local Law.

(iii) Pursuant to §458-b(iii) of the New York State Real Property Tax Law ó this exemption shall apply to qualifying owners of qualifying real property for so long as they remain qualifying owners.

3. Effective Date:

This Local Law shall take effect immediately upon filing with the Secretary of State.

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

5. By Councilmember seconded by Councilmember

BE IT RESOLVED, that City of Tonawanda Mayor Rick Davis be authorized and directed to advertise and to hold a Public Hearing, pursuant to legal publication, regarding Local Law No. 2 for the year 2017, entitled:

A Local Law to amend Section 110-184 of the Code of the City of Tonawanda entitled "Cold War Veterans Exemption".

and

BE IT FURTHER RESOLVED, that this Public Hearing shall be held on the 21st day, November, 2017, at 7:00 P.M. in the City Hall, Common Council Chambers, 200 Niagara Street, Tonawanda, New York.

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

6. By Councilmember seconded by Councilmember

Whereas, a Special Events application was received by the City Clerk from the Lighthouse Baptist Church for their 4th of July Concert

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 is granted to the Lighthouse Baptist Church to hold their Fourth of July Concert at the David Miller Bandshell on June 30, 2018 at 7:00 P.M. and ,

Resolved, that a Certificate of Insurance naming the City of Tonawanda as additional insured be filed with the City Clerk no later than May 27, 2018.

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

7. By Councilmember seconded by Councilmember

Whereas, a Special Events application was received by the City Clerk from the Roswell Park Alliance Foundation and,

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 is granted to the Roswell Park Alliance to conduct their Ride of Roswell on Saturday, June 23, 2018 from 7:00 A.M. to 1:00 P.M. and,

Resolved, that a Certificate of Insurance naming the City of Tonawanda as additional insured be filed with the City Clerk no later than May 27, 2018.

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

8. By Councilmember Rautenstrauch seconded by Councilmember

Re: Supporting a Home Rule Request: Seeking Permission from New York State to Amend the Erie County Tax Act

WHEREAS, since 2015 more than 800 homes in Western New York have been deemed "zombie houses" defined as properties undergoing the foreclosure process that can remain vacant for years; and

WHEREAS, the economic result of such vacant properties is nearly \$58 million worth of real estate in Erie County since it was last calculated; and

WHEREAS, if the home remains vacant for a long enough period of time the property value could decrease to such a level that it is no longer in a bank's financial interest to foreclose on the property implying that time is a crucial factor in these cases; and

WHEREAS, these houses remain empty typically due to homeowners' misunderstanding of proper foreclosure procedure- leaving these houses in limbo, i.e. the homeowners no longer maintain the property and banks are not legally obligated to. This means these properties are maintained oftentimes at the expense of taxpayers; and

WHEREAS, in the United States the average time it takes to foreclose on a property is two years. If a house has been deemed abandoned by the municipality the foreclosure process should only take one year; and

WHEREAS, as such the City of Tonawanda requests permission from New York State to make the following amendments to the legislation known as the Erie County Tax Act; and

WHEREAS, the purpose of this resolution is to recommend the New York State Senate and Assembly amend § 9-1.0 of the Erie County Tax Act to shorten the period in which the holder of a tax sale certificate may foreclose on a property that is certified by a municipality to be vacant and abandoned from two years to one year; and

WHEREAS, additionally to recommend § 11-2.0 of the Erie County Tax Act be amended to shorten the period in which the county may foreclose on a tax certificate on a property that is certified by a municipality to be vacant and abandoned from two years to one year

NOW, THEREFORE, BE IT

RESOLVED, the following resolution is hereby adopted by the City of Tonawanda Common Council ; and be it further,

RESOLVED, that the Clerk of the City of Tonawanda forward certified copies of this resolution to the New York State Assembly attention Speaker Carl E. Heastie and New York State Senate attention Majority Leader Flanagan as well as to the Erie County Executive, the Honorable Mark Poloncarz and to all other parties deemed necessary and proper.

FISCAL IMPACT: None for resolution

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

9. 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

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

COMMENTS BY THE PUBLIC AFTER RESOLUTIONS

COMMENTS BY THE COUNCILMEMBERS AFTER RESOLUTIONS

ADJOURNMENT

10. By Councilmember _____ seconded by Councilmember _____
Resolved, that this Common Council adjourn until November 21, 2017.

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays: