

Agenda
Council Chambers
Tonawanda, New York
March 6, 2018

A Regular Meeting of the Common Council

Present: Council President Koch

Present Councilmembers: Reece, Kammerdeiner, Young, Mileham

Pledge of Allegiance led by Council President Koch

Prayer led by Associate Chaplin ó Bill Miles

COMMUNICATIONS FROM THE MAYOR

Communication from City Attorney S. Michael Rua to Administrative Assistant Charles Gilbert regarding Common Council actions being complete regarding Riverwalk Villas Project

COMMUNICATIONS FROM CITY OFFICIALS AND CORRESPONDENCE

January Report of the Fire Department

February Minutes of the Traffic and Safety Board

Letter from Fire Chief Chuck Stuart recommending Volunteer Fire Companies Contracts for 2018.

Communication from Charles Rech of LDC with schedule of Comprehensive Plan

Email Communication reporting on the Landfill meeting with the Army Corps of Engineers regarding future excavation plans for the site.

Communication from City Treasurer Joseph Hogenkamp recommending Two Year Contract extension with Premier Consulting for Health Related Consulting Services

Communication between City Treasurer Joseph Hogenkamp and Daniel Montante of the Montante Group regarding Solar Panel project.

February report of the City Clerk

Referred to the Committee of the Whole

Ordered filed

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 be accepted as filed.

Reece, Kammerdeiner, Young, Mileham, Koch

Ayes:

Nays:

2. By Councilmember _____ seconded by Councilmember _____

Resolved, that the Mayor be authorized and directed to sign the following agreement:

THIS AGREEMENT, made the 1st day of April, 2018, by and between the CITY OF TONAWANDA, a municipal corporation, situate with the County of Erie and State of New York hereinafter called the "CITY" and the DELAWARE HOSE COMPANY #2, a volunteer fire company organized and existing within the City of Tonawanda, hereinafter called "COMPANY".

WITNESSETH:

WHEREAS, the said Company furnished fire protection to said City and maintains facilities and personnel to answer calls and fire alarms for the protection and preservation from fire of life and property.

NOW, THEREFORE, in consideration of the covenants and agreements hereinafter set forth, the parties hereto agree as follows:

1. The Company agrees to maintain and furnish at all times, protection from fire of life and property in the City of Tonawanda and to maintain and furnish the services of the volunteer members of said companies in so protecting life and property.

2. The City agrees to make payments to said Company in the following manner:

The sum of \$6,500.00 payable on the first day of April, 2018.

Reece, Kammerdeiner, Young, Mileham, Koch

Ayes:

Nays:

3. By Councilmember seconded by Councilmember

Resolved, that the Mayor be authorized and directed to sign the following agreement:

THIS AGREEMENT, made the 1st day of April, 2018, by and between the CITY OF TONAWANDA, a municipal corporation, situate with the County of Erie and State of New York hereinafter called the "CITY" and the NATIONAL HOSE COMPANY #1, a volunteer fire company organized and existing within the City of Tonawanda, hereinafter called "COMPANY".

WITNESSETH:

WHEREAS, the said Company furnished fire protection to said City and maintains facilities and personnel to answer calls and fire alarms for the protection and preservation from fire of life and property.

NOW, THEREFORE, in consideration of the covenants and agreements hereinafter set forth, the parties hereto agree as follows:

1. The Company agrees to maintain and furnish at all times, protection from fire of life and property in the City of Tonawanda and to maintain and furnish the services of the volunteer members of said companies in so protecting life and property.
2. The City agrees to make payments to said Company in the following manner:
The sum of \$6,500.00 payable on the first day of April, 2018.

Reece. Kammerdeiner, Young, Mileham, Koch

Ayes:

Nays:

4. By Councilmember seconded by Councilmember

Resolved, that the Mayor be authorized and directed to sign the following agreement:

THIS AGREEMENT, made the 1st day of April, 2018, by and between the CITY OF TONAWANDA, a municipal corporation, situate with the County of Erie and State of New York hereinafter called the "CITY" and the NIAGARA HOSE COMPANY #3, a volunteer fire company organized and existing within the City of Tonawanda, hereinafter called "COMPANY".

WITNESSETH:

WHEREAS, the said Company furnished fire protection to said City and maintains facilities and personnel to answer calls and fire alarms for the protection and preservation from fire of life and property.

NOW, THEREFORE, in consideration of the covenants and agreements hereinafter set forth, the parties hereto agree as follows:

1. The Company agrees to maintain and furnish at all times, protection from fire of life and property in the City of Tonawanda and to maintain and furnish the services of the volunteer members of said companies in so protecting life and property.
2. The City agrees to make payments to said Company in the following manner:
The sum of \$6,500.00 payable on the first day of April, 2018.

Reece, Kammerdeiner, Young, Mileham, Koch

Ayes:

Nays:

5. By Councilmember seconded by Councilmember

Resolved, that the Mayor be authorized and directed to sign the following agreement:

THIS AGREEMENT, made the 1st day of April, 2018, by and between the CITY OF TONAWANDA, a municipal corporation, situate with the County of Erie and State of New York hereinafter called the "CITY" and the UNION HOOK & LADDER COMPANY #1, a volunteer fire company organized and existing within the City of Tonawanda, hereinafter called "COMPANY".

WITNESSETH:

WHEREAS, the said Company furnished fire protection to said City and maintains facilities and personnel to answer calls and fire alarms for the protection and preservation from fire of life and property.

NOW, THEREFORE, in consideration of the covenants and agreements hereinafter set forth, the parties hereto agree as follows:

1. The Company agrees to maintain and furnish at all times, protection from fire of life and property in the City of Tonawanda and to maintain and furnish the services of the volunteer members of said companies in so protecting life and property.

2. The City agrees to make payments to said Company in the following manner:

The sum of \$6,500.00 payable on the first day of April, 2018.

Reece, Kammerdeiner, Young, Mileham, Koch

Ayes:

Nays:

6. By Councilmember seconded by Councilmember

Be it resolved that the resignation of William Reece from the Board of Assessment Review be accepted.

Reece, Kammerdeiner, Young, Mileham, Koch

Ayes:

Nays:

7. By Councilmember Young seconded by Councilmember

Be it resolved that Ronald J. Pillozzi be appointed to the Board of Assessment Review to fill the unexpired term of William Reece which expires 9/30/2019.

Reece, Kammerdeiner, Young, Mileham, Koch

Ayes:

Nays:

8. By Councilmember Koch seconded by Councilmember

Be it resolved that William Harmon be appointed provisional Plumbing Inspector pending results of a Civil Service Exam.

Reece, Kammerdeiner, Young, Mileham, Koch

Ayes:

Nays:

9. By Councilmember seconded by Councilmember

Resolved, at the recommendation of the City Engineer, Jason J. LaMonaco, P.E., that award of the contract for survey of Erie County Riverwalk be made to Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C. at a cost not to exceed \$3,600.00.

Funding/Fiscal Impact: \$3,600.00 from 2018 Engineering Improvements

Reece, Kammerdeiner, Young, Mileham, Koch

Ayes:

Nays:

10. By Councilmember seconded by Councilmember

Be it resolved that St. Francis of Assisi Church be granted permission to close Adam Street between Seymour and Clinton Street on Saturday, June 9th 2018 from 9:00 A.M. to 9:00 P.M for their Annual Outdoor Parish Celebration.

Details to be coordinated with Captain Fred Foels of Tonawanda Police Department, Fire Chief Chuck Stuart and DPW Superintendent Joseph Warthling.

Reece, Kammerdeiner, Young, Mileham, Koch

Ayes:

Nays:

11. By Councilmember seconded by Councilmember

Whereas, according to the City of Tonawanda Charter, adopted November 4, 1994 states: 3.024-The *compensation rates* of elected officers of the city, except as otherwise provided by state law, are as established by ordinance. Such ordinance shall be adopted no later than May 1 of each election year (beginning May 1997) for each position up for election. Such *compensation rates* shall take effect on January 1 of the ensuing year and shall not be changed during the continuance of the term of office to which such officer shall have been elected and

Whereas, due to the retirement of the City Attorney Ronald Trabucco, the position of City Attorney must appear on the ballot November 6th, 2018 to fill the vacancy

Now therefore be it resolved that the salary of the City Attorney be established at \$61,445.00 effective January 1, 2019

Reece, Kammerdeiner, Young, Mileham, Koch

Ayes:

Nays:

12. By Councilmember _____ seconded by Councilmember _____

WHEREAS, Local Law No. 1 for the year 2018 for the City of Tonawanda entitled:

A Local Law authorizing the City of Tonawanda to impose a property tax levy in excess of the limit established in New York State General Municipal Law Article 2, Sec. 3-c

was unanimously introduced by the Common Council on February 20, 2018 and laid upon each Council Member's desk for seven days, excluding Sunday; and

WHEREAS, proposed Local Law No. 1 for the year 2018 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. 1 for the year 2018, attached hereto and made a part hereof.

LOCAL LAW NO. 1 FOR THE YEAR 2018

A Local Law authorizing the City of Tonawanda to impose a property tax levy in excess of the limit established in New York State General Municipal Law Article 2, Sec. 3-c

which provides that:

It is the intent of this Local Law to allow the City of Tonawanda to adopt a budget for the fiscal year commencing January 1, 2019, that requires a real property tax levy in excess of the tax levy limit as set forth in General Municipal Law Article 2, Sec. 3-c.

This Local Law is adopted pursuant to subdivision 5 of the General Municipal Law Article 2, Sec. 3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a Local Law approved by a vote of sixty percent (60%) of said governing body.

The Common Council City of Tonawanda is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2019, that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Article 2, Sec. 3-c.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, individual, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in

its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

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

Reece, Kammerdeiner, Young, Mileham, Koch

Ayes:

Nays:

13. 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. 1 for the year 2018, entitled:

A Local Law authorizing the City of Tonawanda to impose a property tax levy in excess of the limit established in New York State General Municipal Law Article 2, Sec. 3-c and

BE IT FURTHER RESOLVED, that this Public Hearing shall be held on Tuesday, March 20, 2018 at 7:00 P.M. in the City Hall, Common Council chambers, 200 Niagara Street, Tonawanda, New York.

14. By Councilmember _____ seconded by Councilmember _____

WHEREAS, the Common Council of the City and the Board of Directors of the CANAL FEST OF THE TONAWANDAS, INC. (hereinafter referred to as "the Corporation") are desirous of entering into an agreement for the purpose of accommodating Canal Fest 2018; and

WHEREAS, the parties have negotiated the following agreement so that the concerns of the City and the Corporation have been addressed; and

WHEREAS, the utilization of city property, personnel and equipment as specified in said Agreement is deemed to be for the promotion of Canal Fest 2018 and the protection of public health, safety and welfare which is in the best interests of the City and its residents;

NOW, THEREFORE,

BE IT RESOLVED, that the Common Council hereby authorizes and directs the Mayor to execute the Canal Fest 2018 agreement, and

BE IT FURTHER RESOLVED that the parties hereto approve and enter into the following Agreement which is on file in the City Clerks office and

RESOLVED, that the City of Tonawanda agrees to produce a detailed accounting of all expenses incurred in 2018 and to continue negotiations for Canal Fest 2019 and thereafter, based on the above stipulations on the earliest practicable date, so that an agreement can be finalized early in 2019. In addition, Canal Fest of the Tonawanda shall submit a detailed financial report to the City Treasurer no later than December 15, 2018.

Reece, Kammerdeiner, Young, Mileham, Koch

Ayes:

Nays:

15. By Councilmember _____ seconded by Councilmember _____

Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk for Tonawanda's American Legion Post 264 their Blessing of the Bikes

Whereas, the application was reviewed and commented on by all appropriate department heads to insure the safety and well being of our residents, and

Whereas, all details for the above named event must be coordinated with Police Captain Fredric Foels and the Fire Chief Chuck Stuart, and the event chairperson, now, therefore be it

Resolved, that permission is granted to the American Legion Post 264 to conduct its Blessing of the Bikes on May 5, 2018 from 8:00 AM until 6 PM

Resolved, that a Certificate of Insurance naming the City of Tonawanda as additional insured be filed with the City Clerk no later than April 5, 2018.

Reece, Kammerdeiner, Young, Mileham, Koch

Ayes:

Nays:

16. By Councilmember _____ seconded by Councilmember _____

Whereas, a Special Events application was received by the City Clerk from Bill Paton on behalf of the American Legion to conduct the Badge of Honor Ride

Whereas, the application was reviewed and commented on by all appropriate departments heads to insure the safety and well being of our residents,

Whereas, all details for the above named event must be coordinated with Captain Fredric Foels and Superintendent Joseph Warthling of the Department of Public Works, and the event chairperson, now

Therefore, be it resolved that permission is granted to the American Legion to hold their Badge of Honor Ride on Sunday, July 28, 2018 from 9:00 A.M. till 10:00 P.M. and that a certificate of insurance be submitted to the City Clerk by July 1, 2018

Reece, Kammerdeiner, Young, Mileham. Koch

Ayes:

Nays:

17. By Councilmember _____ seconded by Councilmember _____

Resolved, that the Mayor be authorized and directed to sign an agreement with Premier Consulting Services, LLC, to perform Health Insurance consulting services to the City of Tonawanda for a two year period beginning April 1, 2018 through March 31, 2020 as on file in the office of City Clerk.

ANNUAL FISCAL IMPACT \$67,000 PAID FROM THE CITY'S GENERAL FUND
HEALTH INSURANCE BUDGET

Reece, Kammerdeiner, Young, Mileham, Koch

Ayes:

Nays:

18. By Councilmember seconded by Councilmember

Be it Resolved, that Mayor Rick Davis be authorized and directed to sign a lease agreement with Waterbike Adventures, LLC for the period of May 1, 2018 through October 31, 2018 as on file in the City Clerk's Office.

Reece, Kammerdeiner, Young, Mileham, Koch

Ayes:

Nays:

19. By Councilmember seconded by Councilmember

Resolved, at the recommendation of the City Engineer, Jason LaMonaco, PE, that the award of the East Niagara Pedestrian Bridge Structural Analysis be made to Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C., at a cost not to exceed \$9,250.00.

Funding/Fiscal Impact: \$9,250.00 from Capital Project Fund

Reece, Kammerdeiner, Young, Mileham, Koch

Ayes:

Nays:

20. 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

Reece, Kammerdeiner, Young, Mileham, Koch

Ayes:

Nays:

COMMENTS BY THE PUBLIC AFTER RESOLUTIONS

COMMENTS BY THE COUNCILMEMBERS AFTER RESOLUTIONS

ADJOURNMENT

21. By Councilmember seconded by Councilmember

Resolved, that this Common Council adjourn until March 20, 2018.

Reece, Kammerdeiner, Young, Mileham, Koch

Ayes:

Nays: