

Agenda
Council Chambers
Tonawanda, New York
May 16, 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

Silent Prayer led by Associated Chaplain Dorthea Schweitzer

Presentations

Remembering Vietnam Memorial Recognition
Mayors Proclamation for Arbor Day
Arbor Day Kids Coloring Contest Awards

COMMUNICATIONS FROM THE MAYOR

Letter to Crystal Kipa appointing her to the Visual and Performing Arts Board, term to expire December 31, 2019

Letter to Lynn LeBar appointing her to the Visual and Performing Arts Board, term to expire December 31, 2019

Letter to Sharon Moore appointing her to the Visual and Performing Arts Board, term to expire December 31, 2019

COMMUNICATIONS FROM CITY OFFICIALS AND CORRESPONDENCE

Communication from City Treasurer Joseph Hogenkamp regarding Risk Control Recommendations from Travelers Insurance

April Activity Report of the Fire Department

May Minutes of the Tonawanda Civil Service Commission

Notice of Board of Appeals Public Hearing on May 22, 2017 at 6:30 P.M. for a Variance Request for 10 Bouck Street to modify existing chain link fence to solid fence

Notice of Board of Appeals Public Hearing on May 22, 2017 at 6:30 P.M. for a Variance Request for an addition at 341 Wheeler Street

Notice of Board of Appeals Public Hearing on May 22, 2017 at 6:30 P.M. for a Variance Request for a variance to install a 6 foot fence along rear side yard

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 May 2, 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 be directed to draw warrants on the Treasurer for the various amounts.

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

3. By Councilmember _____ seconded by Councilmember _____
WHEREAS, the title of this Resolution/Ordinance has been published at least once in a newspaper of general circulation, more specifically, The Buffalo News, on March 22, 2016, in accordance with Section 2.047 of the City Charter.

NOW, THEREFORE, BE IT RESOLVED, that Chapter 78 Waterways; Article 1. TONAWANDASøGATEWAY HARBOR CORRIDOR BOAT DOCK RULES AND REGULATIONS; Sec. 78-5. Docking time period. which now reads as follows:

It shall be unlawful and a violation of this article for the owner/operator of any boat, vessel or other conveyance to dock, moor or anchor overnight at any public dock located within the Gateway Harbor Park without a paid permit from the harbor master. There is a maximum of five days per stay. Boaters may not return until after seven consecutive days have past.

Shall be amended to read as follows:

It shall be unlawful and a violation of this article for the owner/operator of any boat, vessel or other conveyance to dock, moor or anchor overnight at any public dock located within the Gateway Harbor Park without a paid permit from the harbor master. There is a maximum of five days per stay. Boaters may not return until after seven consecutive days have past. In the event that the owner/operator of any boat, vessel or other conveyance wishes to extend their stay beyond the allotted five days, the harbor master or his/her designee is hereby authorized to issue additional permits, if and only if space is available.

BE IT FURTHER RESOLVED, that Chapter 78 Waterways; Article 1. TONAWANDASøGATEWAY HARBOR CORRIDOR BOAT DOCK RULES AND REGULATIONS; Sec. 78-6. Special events permit and special events. which now reads as follows:

The mayor is hereby authorized and directed to issue a special events permit to any owner/operator of any boat, vessel or other conveyance for docking use, at no fee, and for a period of time to be determined by the mayor.

The harbor master or his/her designee is hereby authorized and directed to not issue docking permits when an event is being held in the corridor where safety is a factor in the funning of the event.

Shall be amended to read as follows:

The mayor is hereby authorized and directed to issue a special events permit to any owner/operator of any boat, vessel or other conveyance for docking use, at no fee, and for a period of time to be determined by the mayor.

The harbor master or his/her designee is hereby authorized and directed to not issue docking permits when an event is being held in the corridor where safety is a factor in the funning of the event.

Special paid docking permits may be issued during special events within the harbor. The harbor master or his/her designee is hereby authorized to issue a special event docking permit to any owner/operator of any boat, vessel or other conveyance for docking use, for a pre-determined fee and period of time. During Canal Fest, there shall be a special paid permit issued to anyone wishing to dock in the harbor for the duration of that event. This will be a ten day paid permit and will start the Thursday before Canal Fest begins.

BE IT FURTHER RESOLVED, that all other Sections of said Ordinance shall remain unchanged and in full force and effect; and

BE IT FURTHER RESOLVED, that the above amendments shall take effect upon publication of its title in an official newspaper of the City of Tonawanda.

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 Phase 8 Engineering Services be made to GHD Consulting Engineers, LLC, at a cost not to exceed \$372,700.00.

Funding/Fiscal Impact: \$372,700.00 from the Sewer Bond

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

- 5. By Councilmember _____ seconded by Councilmember _____
 Resolved, that the 2017 General Fund Budget be amended to account for Federal Grant Funds received and expended in 2017 from the United States Department of Criminal Justice Services for the Byrne JAG Award. (2014 Award #BJ14637398) Funds expended and received in Fiscal Year 2017.

EXPENSE 001-3120-202	Police Dept Equipment	ADD
\$4,435		
REVENUE 001-0001-4008	Federal JAG Grant	ADD \$4,435
NET BUDGET EFFECT		-\$0

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

- 6. By Councilmember _____ seconded by Councilmember _____
WHEREAS, back in 2011 the City Council instituted an Anti-Nepotism Policy which is set forth in Section 4.11 of the Personnel Benefits and Policy Manual for City of Tonawanda Employees; and

WHEREAS, the Common Council has now determined that it is in the City's best interest to amend portions of the Anti-Nepotism Policy, more specifically, Sub. Section 2. entitled Policy and Sub. Section 3. entitled Definitions;

NOW, THEREFORE, BE IT RESOLVED, that Sub Sec. 2 entitled Policy, which now reads as follows:

2. Policy

- 2.1 No City employee may supervise, hire, appoint, remove, or be in a position to discipline another family member of their family closer than their second cousin or their domestic partner. Furthermore, family members are prohibited from working in the same department of work unit if it creates a situation whereby one family member directly reports to, and is supervised by another family member.
- 2.2 No family member may audit the work activity of another family member.
- 2.3 Family members may not be placed in the City's organization structure whereby they both report to the same supervisor.
- 2.4 Administrative staff is prohibited from influencing the employment or employment administration of anyone who is a family member. Employment and employment Administration includes hiring, promotion, transfer, disciplinary action and termination.
- 2.5 Administrative staff is responsible for reviewing employment Administration and decisions within their organizational structure to ensure one family member is not responsible for administrative oversight of another family member.
- 2.6 If an individual serves as a City of Tonawanda elected official no member of that officials immediate family shall serve in the immediate Office of the elected official unless that individual held their position prior to the election or becomes a member of the family following the election.
- 2.7 The city reserves the right to take prompt action if any actual or potential conflict of interest arises involving family members who occupy positions at any level, whether higher or lower, in the same line of authority that might affect the employment decision.
- 2.8 Any individual or employee employed prior to the adoption of this policy statement by the Common Council is exempt.

Shall now read as follows:

2. Policy

- 2.1 No City employee may supervise, hire, appoint, remove, or be in a position to discipline another family member of their immediate family or their domestic partner. Furthermore, immediate family members are prohibited from working in the same Department of work unit if it creates a situation whereby one immediate family member directly reports to, and is supervised by another immediate family member.
- 2.2 No immediate family member may audit the work activity of another immediate family member.
- 2.3 Immediate family members may not be placed in the City's organization structure whereby they both report to the same supervisor.
- 2.4 Administrative staff is prohibited from influencing the employment or employment administration of anyone who is an immediate family member. Employment and employment Administration includes hiring, promotion, transfer, disciplinary action and termination.
- 2.5 Administrative staff is responsible for reviewing employment Administration and decisions within their organizational structure to ensure one immediate family

member is not responsible for administrative oversight of another immediate family member.

- 2.6 If an individual serves as a City of Tonawanda elected official no member of that officials immediate family shall serve in the immediate Office of the elected official unless that individual held their position prior to the election or becomes an immediate member of the family following the election.
- 2.7 The city reserves the right to take prompt action if any actual or potential conflict of interest arises involving immediate family members who occupy positions at any level, whether higher or lower, in the same line of authority that might affect the employment decision.
- 2.8 Any individual or employee employed prior to the adoption of this policy statement by the Common Council is exempt.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that Sub Sec. 3 entitled Definition, which now reads as follows:

3. Definitions

- 3.1 Family Member - an individual who was related by blood or marriage or whose relationship is that of a relative closer than a second cousin.
- 3.2 Administrative Staff - Mayor's office and department heads and directors.
- 3.3 Departmental Work Unit - a component of a City department defined and organized by specific work activity and responsibilities and supervised by a departmental supervisor in the direct chain of command responsible to that department head.

Shall now read as follows:

3. Definitions

- 3.1 Family Member - an individual who was related by blood or marriage.
- 3.2 Immediate Family Member ó includes parents, spouses, domestic partners, siblings and children.
- 3.2 Administrative Staff - Mayor's office and department heads and directors.
- 3.3 Departmental Work Unit - a component of a City department defined and organized by specific work activity and responsibilities and supervised by a departmental supervisor in the direct chain of command responsible to that department head.

BE IT FURTHER RESOLVED, that all other Sections of said Personnel Benefits and Policy Manual for City of Tonawanda Employees shall remain unchanged and in full force and effect.

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

- 7. By Councilmember seconded by Councilmember

Resolved that Michael R Young and Denise J Young, 252 Adam Street Tonawanda be appointed Commissioners of Deeds in and for the City of Tonawanda, Term to expire December 31, 2018.

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

8. 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 BY THE PUBLIC AFTER RESOLUTIONS

COMMENTS BY THE COUNCILMEMBERS AFTER RESOLUTIONS

ADJOURNMENT

9. By Councilmember seconded by Councilmember
Resolved, that this Common Council adjourn until June 6, 2017

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays: