

Council Chambers
Tonawanda, New York
December 20, 2016

A Regular Meeting of the Common Council

Present: Council President Koch

Present Councilmembers: Gilbert, Smilinich, Rautenstrauch, Toth

Pledge of Allegiance by Council President Koch

Silent Prayer led by Dortha Schweitzer

Presentations

Recognition of Douglas Urban for his efforts in obtaining funds from the Kiwanis Club to obtain a Medical Equipment Bag stocked with equipment for Pediatric Emergencies by Fire Chief Chuck Stuart

Fire Chief Charles Stuart- I'd like to take this moment to introduce everybody to a young man named Doug Urban. Doug would you come up here please. Doug is seventeen years old and a senior at the Maritime Charter School in Buffalo. He resides on Sharon Drive here in the City of Tonawanda with his Mom, Melissa Messana and his stepdad Mike Messana. Doug recently was able to get us a grant for some specialized equipment for the Fire Department. Doug belongs to the New York Kiwanis Club. He's the actual Lieutenant Governor position in the Key Club. It is a special group of the Kiwanis made up of high school students and they carry on the Kiwanis mission at that level. It was through his affiliation with this group that he was made aware of the grant program that the Kiwanis does every year. They award first responder agencies with equipment to help their cause. The fact that the Kiwanis can only do this for three agencies out of all of New York State is remarkable in that Doug must have been pretty persistent in convincing the powers that be to award the City of Tonawanda. But that is what he did. So, tonight I would like to take this opportunity to present him with the letter of gratitude from the Fire Department that I would like to read off now. This Letter of Gratitude is presented to by the City of Tonawanda Fire Department on this day Tuesday, December 20, 2016 to Douglas Urban for your thoughtfulness in acquiring specialized emergency medical equipment for the Tonawanda Fire Department. It is not everyday that we encounter a young person who shows a sincere concern about his community and the people we serve such as you have shown us. Emergencies involving children can often be difficult and challenging for firefighters requiring rapid and precise treatment. The addition of this equipment will no doubt provide our personnel with the tools necessary to continue to provide proper care to those who need it the most. Additionally, it is always pleasing when services can be enhanced for the community with no financial impact to our residents. So, on behalf of the Mayor, the Council, and the Fire Department I offer you our gratitude and for your effort in securing this additional equipment, Sincerely, Fire Chief Stuart. This may not look like much but it is basically an EMS bag and it is full stocked with equipment specifically for pediatric patients. All total it is about \$1,000 worth of stuff. Doug I would like to thank you very much for everything you have done to make this possible.

Presentation of Accreditation Plaque from the NYS Department of Criminal Justice
By Mayor Rick Davis to Chief Strassburg and Lt. Jamin Butcher

Captain Fredric Foels: Today is a proud day for the City of Tonawanda Police Department. We were recently reaccredited by the State of New York Department of Criminal Justice services and basically what that means is that our policies, our procedures, our training, our facilities exceed the standards for New York State. It was really no easy task and just to break it down, to tell you how difficult this is, there is 585 Police Departments in New York State, only 115 are accredited, we are one of them. It starts at the top, it starts with our Chief, it starts with our Lieutenants in the field, it is a testament to our hard working officers out there, our civilian support staff, our Dispatchers, our Jail Matrons, our Animal Control, our Custodians. They looked at everything, they looked at everything we do, policies, procedures, training, everything

and we exceed those standards. So, it really is a proud day and a testament to all the hard working officers and support staff of this department for us to get this award. I would be remiss if I did not thank the Mayor for his support of our Police Department, the Common Council for the support of our Police Department, our Police Liaison, Councilwoman Smilinich, so to get this award, it really means a lot to our Department. We are a professional Police Department and we do everything in our power, the right way, to serve our stakeholders, our citizens in the community. So, no easy task, kudos to everybody who works at 200, this award is for all you guys also.

Mayor Davis: I just wanted to add that our Police Department has received this accreditation since 1991 and it is good until 2021 so as a Captain Foels stated, it really starts at the top with the Police Chief and I know Lt. Butcher who was probably running around with his head cut off doing a million and a half things leading up to what used to be a three day thing was condensed down to a day and a half so a lot of leg work went into the preparation for this and again I want to thank the Chief, Lieutenant our Captains, and all the rest of the Officers for the outstanding job that you do day in and day out.

Chief William Strassburg: I just have a quick story about accreditation, of course this being the first one I went through being Chief of Police and you're a little nervous about that. We have been accredited since 1991 and you want that to be the last thing in the world to have a problem. So Jamin's been in charge of the Accreditation and it is a lot of work, a lot of stress and of course he had me breathing down his neck. In January they came down that they were going to make all sorts of new standards and that in fact, we were going to be one of the guinea pigs that was the first test of these new standards. So Jamin was really going crazy, we ended up with a date of October 4th for the site visit where they come out and evaluate everything and Jamin came to me and said I think it would be a good idea if I get married 30 days before you get re accredited and you have a site visit and I'm going on a honeymoon. So I don't know what his wife thinks about emails and texts, but for his whole vacation he had to keep in constant contact with us, never complained, and they did present him with a special award that I would like to read just so you can see the work that goes into it.

To Jamin Butcher - "In recognition of your leadership and dedication as Program Manager for your Agency's Law Enforcement Accreditation Program, the NYS Division of Criminal Justice Services acknowledges your significant contribution toward assisting your agency and achieving Accreditation." Dated December 8, 2016.

At this time, the Chief invited all Tonawanda Police Officers attending the meeting to the front to be recognized and take a group picture.

COMMUNICATIONS FROM THE MAYOR

A letter to Janine Drmacich appointing her to the City Traffic and Safety Board effective December 6, 2016 through December 31, 2020.

Letter from NYS Dept of State announcing award of \$487,380 through the Local Waterfront Revitalization Program for Docking Facilities and Design

Letter to Kenneth Swanekamp, Director of Business Assistance, Office of Economic Development, Erie County Department of Environment and Planning requesting assistance in review of a proposed Letter of Understanding (LOU) request for a Multi-Purpose Events Center and Mixed Use Project at Spaulding Commerce Park

Communication from City Treasurer Joseph Hogenkamp regarding end of year Salary Line Adjustments resolution

A letter to the Council explaining the vandalism at Ives Pond to the fire hydrant, backflow preventer and water meter on 12/19/16.

COMMUNICATIONS FROM CITY OFFICIALS AND CORRESPONDENCE

A letter from Erie County Water Authority regarding amendments to their Tariff made from their meeting held on November 17, 2016

Letter from New York State Comptroller Thomas DiNapoli regarding required Standard Workday and Reporting Resolution to the New York State and Local Retirement System for various officials- Referred to the City Treasurer and City Clerk

The following monthly reports were received by the City Clerk:

November Minutes from the Board of Appeals
November Report of the Tonawanda Fire Department
Meeting Reports of the Plumbing Board for March, March Special, April, May, June, July, August, September, October, November and December
Comprehensive Revenue & Expenditure Control Report as of 12/20/16
Overtime Report as of 12/20/2016 from Treasurer Joseph Hogenkamp
Referred to the Committee of the Whole
Ordered filed

COMMENTS BY THE PUBLIC ON RESOLUTIONS

No comments by the Public

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

273. By Council seconded by Council
Resolved, that the Common Council minutes from December 6, 2016, be accepted as filed.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch
Nays: None

Resolution declared adopted

274. By Councilmember Rautenstrauch seconded by Councilmember Toth
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.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch
Nays: None

Resolution declared adopted

275. By Councilmember Toth seconded by Councilmember Rautenstrauch

Resolved, that the readings of the resolutions be waived.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

276. By Councilmember Gilbert seconded by Councilmember Toth
Be it resolved, that the Mayor be authorized and directed to sign the Controlled Substance Distribution Agreement between Erie County Medical Center Corporation and the City of Tonawanda Fire Department. This agreement provides for ECMC to act as the Advanced Life Support Agency supplier.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

277. By Council seconded by Council
Whereas, the Collective Bargaining Agreement (Agreement) between the City of Tonawanda (City) and The City of Tonawanda Police Benevolent Association Inc (PBA) expires on December 31, 2016, and
Whereas, representatives of the City and the PBA began discussions and negotiations for terms that would extend and amend the Agreement that expire on December 31, 2016, and
Whereas, numerous negotiating sessions were held between the parties resulting in the development of tentatively agreed to terms in a Memorandum of Agreement (MOA), as attached to, and made part of this resolution, that would amend the Agreement for a period of seven (7) years, from January 1, 2017 ó December 31, 2023, and
Whereas, execution and approval of the MOA is dependent on authorization of the PBA membership and the City of Tonawanda Common Council,
Now, Therefore Be It Resolved, members of the Common Council have reviewed terms contained in the above referenced MOA, approve the terms in the MOA, and authorize the Mayor to sign the successor Agreement for the period beginning on January 1, 2017 and extending through December 31, 2023

Councilmember Toth- I just want to thank Joe Hogenkamp, the Treasurer, for coming in and speaking about the financial impact on this and giving his thoughts prior tonight. A seven year contract, I had a concern with in looking at it from this side and I explained to a couple of my previous co-workers I had some thoughts about if the City was going to be able to carry on seven years down the road if the economy went bad. Conversely, I was concerned that if the economy took off really well and other different agencies would negotiate some really sweet deals that they weren't going to be taken care of. I think that this is an important agreement for them. I know that they're excited about not to have to continue to go through this for the next three or four years. I appreciate Mr. Hogenkamp's information and insight on that prior to the meeting. Thank you.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

278. By Councilmember Rautenstrauch seconded by Councilmember Smilinich
Resolved, at the recommendation of the City Engineer, Jason J. LaMonaco, P.E., that award of the Phase 4 SSES Sanitary Sewer and Manhole Rehabilitation Change Order No. 5 be made to Mark Cerrone, Inc., at a CREDIT to the City of Tonawanda in the amount of \$323,848.09.

Funding/Fiscal Impact: (\$323,848.09) from the Capital Budget

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

279. By Councilmember Toth seconded by Councilmember Smilinich

Resolved, at the recommendation of the City Engineer, Jason J. LaMonaco, P.E., that award of Phase 6 Amendment No. 1 be made to GHD Consulting Engineers, LLC, at a cost not to exceed \$137,000.00.

Funding/Fiscal Impact: \$137,000.00 from the 2017 Sewer Bond

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

280. By Council President Koch seconded by Councilmember Toth
Be it resolved, that William G. Harmon is hereby appointed to the position of Plumbing Inspector, effective January 1, 2017, subject to the terms of the Memorandum of Agreement dated December 20, 2016.
Councilmember Gilbert- Madame President, I would like you to read this letter for the record, please.

City Clerk Syposs-

AGREEMENT OF UNDERSTANDING

THIS AGREEMENT, made and entered into this 20th day of December, 2016, By and between CITY OF TONAWANDA, with offices located at 200 Niagara Street, Tonawanda, New York, hereinafter referred to as "THE CITY", and WILLIAM G. HARMON, residing at 171 Elmwood Park West, Tonawanda, New York 14150, hereinafter referred to as "EMPLOYEE"

WHEREAS, the position of the Plumbing Inspector is available for appointment by the Common Council.

WHEREAS, it is the Common Council's intention to temporarily appoint the "Employee" as the Plumbing Inspector.

THEREFORE, is it agreed that the "Employee" shall be appointed by the Common Council as the Plumbing Inspector for a period of ninety (90) days.

IT IS FURTHER AGREED, with the understanding that after the ninety (90) day term has expired the Common Council shall review the "Employee's" performance for the purposes of reappointment.

IT IS FURTHER AGREED, that the Common Council shall again review the "Employee's" performance for reappointment every six (6) months thereafter.

IT IS FURTHER AGREED, that a condition of the employment is that the "Employee" shall not carry any type of fire arm, whatsoever, while performing any duties as Plumbing Inspector.

IT IS FURTHER AGREED, that a condition of the employment is that the "Employee" Shall not carry any law enforcement badge issued by the Erie County Sheriff's Department or any other badge issued by any other law enforcement agency.

Councilmember Gilbert- Madame President, we hired a Building Inspector, we hired an Electrical Inspector, we've hire a Code Enforcement Officer, never once have we had a stipulation in fact made that they cannot carry a firearm. This is setting very bad precedent and I think that there are issues here that should not be voted on tonight. If you all proceed to vote on this with the reputation that is in hand I feel that, I personally hold everybody accountable when something does happen. I think that it is a bad decision. I cannot support anything with this. Thank you.

Ayes: Smilinich, Rautenstrauch, Toth, Koch

Nays: Gilbert

Resolution declared adopted

281. By Council seconded by Council

also like to thank Erie County Legislator Hardwick. We were recently notified that he was able to secure some money to provide AEDs for Kohler Pool and for the Pavilion as well as \$1500.00 for the Annual Volunteer Appreciation Dinner. So special thanks to Erie County Legislator Hardwick. I would also like to recognize Police Officer Erik Johanson and the other officers that were present during a domestic dispute that took place a little over a week ago. Where Officer Johanson got himself into a situation where he had to make a quick decision, a life or death situation where a knife was pulled on him during a domestic dispute. Thankfully, his training which is a testament to our firearms officers and the training that the department goes through that was able to be resolved in a manner where nobody got hurt. The last thing is I would just to wish everybody a Merry Christmas and Happy Holidays and a Happy and Safe New Year!

Councilmember Smilinich- Great job Doug! Today, everyone now knows what we know; we have a class act in our Police Department. Thank you, all of you for keeping us safe and just being there interacting with the public. It's really appreciated. Great job to the DPW over the weekend on your limited staffing for the snowplowing. Merry Christmas Everyone!

Mayor Rick Davis- I would like to thank Mr. Urban for his initiative in getting us the grant for the pediatric equipment. Also, my hats off to Officer Johanson for his smart thinking and quick action. As my Administrative Assistant stated in the meeting, in the informal, LWRP is in the process of coming to a draft. We will have another public hearing on the draft proposal and then after that the council will have sixty days to review the new LWRP. One of the good things already about the LWRP is that we applied for and received a dock expansion grant almost \$500,000 for Niawanda Park and for the Canal and Creek. Already, we are looking to implement things in the LWRP before it becomes finalized. My hats off to the public that came out and gave us the ideas of what they wanted to see in our parks moving forward. Ives Pond last night, somebody shut off the water at the fire hydrant that was filling up the pond which caused the backflow preventer and the water meter to break. We cannot continue filling Ives Pond until that gets fixed. So please, we are doing this for the residents' benefit, please don't touch the fire hydrants so we can fill up the pond and enjoy something other than sitting in front of their TV's or playing X-Box. Many thanks to the Police Officers for negotiating in good faith over this contract. They recognize as do all our unions that are represented here tonight, recognize the situation the City is in and I would like to thank Joe Hogenkamp and my Administrative Assistant sitting in on the meetings and this Common Council for recognizing the union agreement that we came to and again my hats off to everyone. The Police Fundraiser starting the beginning of the year and running until the end of February our Police Officers will be growing beards in order to fund raise for one of the grandsons of the Police Officer who has multiple medical issues and to assist the family in helping pay for things. If you remember, they grew beards last year for the Valliancourt family. So again, on the heels of that I want to thank them for doing this but also I would like to step up the anti a little bit and anybody who wishes to sponsor one of these officers I can drop check money off at my office which officer they would like to sponsor for the facial hair growth marathon that they will be enduring. At the end of February the officer that raises the most money through sponsorship will get lunch by me. It might be a Happy Meal or it might be Squires, to be determined. Again, my hats off! This City really does come together for its residents and our Police Department as well as all of our departments are no different. Lastly, I would like to wish everybody a Merry Christmas and a Happy New Year!

Council President Koch- You know it has been said by everyone up here congratulations and thank you to the Fire Department. I've had the pleasure of doing two a ride alongs with Officer Johanson. I can go to sleep peacefully at night knowing that our Police Department is patrolling our streets and taking care of our needs. So thank you guys for a job well done. Thank you to Mr. Douglas Urban for his commitment to the community. Just a couple of things, we are expecting a delivery of the new pumper to arrive in late January or early February. This truck will replace the one that we have at Niagara Hose. I just want everybody to be vigilant this holiday season. Statistically, many fires happen during the Christmas season so don't leave your lights on or walk away from a candle. With that said a Merry Christmas and a Happy New Year! Thank you and have a good night.

ADJOURNMENT

282. By Councilmember

seconded by Councilmember

Resolved, that this Common Council adjourn until January 3, 2017.

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

City Clerk

Mayor

Date Filed