

Council Chambers
Tonawanda, New York
December 5, 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 Chief Chaplain Sam Ciffa

COMMUNICATIONS FROM THE MAYOR

Letter from Mayor Davis to Maria Zwiefka appointing her to the Traffic & Safety Board effective November 27, 2017 expiring on December 31, 2020

COMMUNICATIONS FROM CITY OFFICIALS AND CORRESPONDENCE

November Minutes from the Traffic & Safety Board

Building Inspector Monthly Report for October

Niawanda Park Pavilion Summary of Expenditures and Revenues to Date 11/21/17 from City Treasurer Joseph Hogenkamp

City Clerk Monthly Report for November

2017 Overtime Report Year to Date as of 12/01/17 from City Treasurer Joseph Hogenkamp

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

266. By the Council seconded by the Council
Resolved, that the Common Council minutes from November 21, 2017 be accepted as filed.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

267. By the Council seconded by the Council
Resolved, that the reading of the resolutions be waived.

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

Resolution declared adopted

268. By the Council seconded by the Council
Resolved, that Adam J. Cruz, Kyle J. Gallivan, John T. Taggart be named
Commissioner of Deeds for the City of Tonawanda, term to expire December 31, 2018.

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

Resolution declared adopted

269. By the Council seconded by the Council

Site Plan Review
City of Tonawanda
November 28, 2017

- **The CITY’S ECONOMIC DEVELOPMENT & PLANNING—the NEED for BETTER CAPABILITIES:**
- **WHEREAS**, the City of Tonawanda is looking at the potential for development that it has not seen in decades, and:
 - **WHEREAS**, the City is currently near completion of its updates to its *Local Waterfront Revitalization Plan (LWRP)* and its *Comprehensive Plan (Comp Plan)*. These plans, being developed with the public’s input, will form the foundation for the City’s development and growth (residential, commercial and industrial) for the foreseeable future. In addition, the City’s Main Street Area project has now established the *City of Tonawanda Local Development Corporation (TCLDC)* that will first focus on the downtown commercial area and, over time, the entire city. And, the City has recently completed and opened its *Blue&Greenways Intermodal Hub* development project (a first step in even greater development of our downtown), and;
 - **WHEREAS**, updating the City’s Land Use Plan and Zoning Plan is an integral component of the *LWRP* and *Comp Plans*, as they will both: reflect the intended development projects proposed by those *Plans* and are themselves the foundation for the design and implementation of projects coming from those plans., and;
 - **WHEREAS**, City Council has and will continue to have final approval on any updates to the Land Use and Zoning Plans that may result, and;
 - **WHEREAS**, it is anticipated that private and public sector economic and community development projects will come from the above stated planning and development efforts, and, the City needs to be in a much more proactive position to both promote and better enable those projects, and;.

(REQUIRED CITY PLANNING CAPABILITIES)

- **WHEREAS**, as stated, City Council approves and therefore has final say over the City’s Zoning and the Land Use Plans/Maps, and under New York State and local laws, the Council may establish a local Planning Board to assist it to review all requests for land and building changes and rule on their appropriateness to the Council established zoning and land use requirements for the given parcel(s), and;

- **WHEREAS**, Council has done so when it established the City of Tonawanda Planning Board (General City Law Article 27) to be the professionally trained and focused group to manage adherence to the City's Land Use and Zoning Plans that have been approved by Council; and the City of Tonawanda Planning Board meets monthly, and;
- **WHEREAS**, the Common Council has the power to transfer site-plan review to the Planning Board (NYS General Municipal Law Section 27A), and;
- **WHEREAS**, in addition, though, city planning professional standards and best practices call for local planning boards to be authorized by their councils to conduct Site-Plan Reviews for sites within the parameters set by Council, e.g., commercial properties of ½ acre or more. With one exception, Council has not done so, and;

(The NEED for SITE-PLAN REVIEW)

- **WHEREAS**, a Site-Plan Review is perhaps the most critical tool at a property parcel level to guide the public inspired and rational physical growth of the City as laid out in the *LWRP* and *Comp Plans* and the resulting Land Use and Zoning Plans/Maps approved by Council, as Site-Plans show the arrangement, layout and design of the proposed use of the land parcel(s) in question, giving a clear picture of what is being planned and better understanding of its impact to the surrounding area, and;
- **WHEREAS**, as it is impossible for Council it-self to conduct Site-Plan Reviews, it is important that the Planning Board be given that responsibility by Council, and; the Planning Board would then be doing the necessary research and analysis regarding the requested development, given their experience and training, that is so essential to quality and appropriate decisions, and;
- **WHEREAS**, in addition, Planning Board conducted Site-Plan Reviews provide other key benefits as they, e.g.:
 - Provide a more "developer friendly" environment, as procedures, standards and requirements are spelled out up front.
 - Provide a more streamlined, efficient and effective review process.
 - Require a breadth of information that will result in more quality and appropriate decisions.
 - Bring the City of Tonawanda to the front line as far as community and economic development review and decision-making is concerned, and;
- **WHEREAS**, a sampling of other Western New York communities that have authorized their local Planning Boards to conduct Site-Plan Reviews, include, e.g.: Town of Tonawanda, Amherst, Williamsville, Lackawanna, West Seneca, and;
- **WHEREAS**, currently, with one exception, the Planning Board has not been instructed and authorized by Council to conduct Site-Plan Reviews, and as this should be done, now therefore be it;
- **RESOLVED, that;** Council assign Site-Plan Review and Approval determinations (according to the Land Use and Zoning guidelines established by Council) to the City of Tonawanda Planning Board, and be it further;
- **RESOLVED**, that Council, directly after the adoption of this resolution establish an appropriate fee-schedule for conducting the Site-Plan Reviews and establish other such administrative matters it sees as appropriate.

Councilmember Gilbert I want to thank the members of the Planning Board for their explanation tonight.

Councilmember Smilinich ó Thank you to Planning Board Chairperson Mark Warren and former Mayor Alice Roth for attending tonight and explaining the need for this resolution.

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

Resolution declared adopted

270. By Councilmember Smilinich seconded by Councilmember Gilbert

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 September 22, 2017, in accordance with Section 2.047 of the City Charter.

Now therefore, be it resolved that Chapter 62 entitled TRAFFIC AND VEHICLES, Article 5. TRAFFIC SCHEDULES, DIVISION 2. STOPPING, STANDING AND PARKING, **Section 62-199. Schedule XXI Time limit parking in public parking lots**, of the Tonawanda City Code shall now include:

<i>Parking Lot</i>	<i>Time Limit</i>	<i>Hours/Days</i>	<i>Location</i>
<i>Designated Parking Exception</i>			
No. 13 East Niagara Street	All day	Except 4:00 a.m. to 6:00 a.m. Parking prohibition/ban every Day	East Niagara Street ball fields ó East and West lots
No. 14 Library Parking Lot	All day	Except 4:00 a.m. to 6:00 a.m. Parking prohibition/ban every day	Corner of Roosevelt Street and Main Street
No. 15 Rails to Trails Lot	All day	Except 4:00 a.m. to 6:00 a.m. Parking prohibition/ban every day	Off State Street
No. 16 Kohler Youth Lot	All day	Except 4:00 a.m. to 6:00 a.m. Parking prohibition/ban every Day	Center lot off Kohler Street

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 amendment shall take effect upon publication of its title in an official newspaper of the City of Tonawanda.

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

Resolution declared adopted

271. By Councilmember Rautenstrauch seconded by Councilmember Koch
Resolved, at the recommendation of the City Engineer, Jason J. LaMonaco, P.E., that award of Change Order #1 be made to CVF, Inc. at a cost not to exceed \$36,065.00 for Sidewalk Replacement and Appurtenant Work ó 2017.

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

Resolution declared adopted

272. By Councilmember Gilbert seconded by Councilmember Rautenstrauch

WHEREAS, the full time City employees not represented by a recognized Collective bargaining unit are classified in Groups 2, 3, and 4 in the Personnel Benefits and Policy Manual for City of Tonawanda Employees (City policy manual), and

WHEREAS, the Mayor has determined that the employees in Groups 2, 3, and 4

should receive salary and benefits comparable to those received by employees represented by recognized collective bargaining units, and

NOW THEREFORE BE IT RESOLVED, that those employees in Groups 2, 3, and 4 in the City policy manual receive the same salary increases provided unionized employees which are 2% increases on each of the following dates: 01/01/2017, 07/01/2017, 01/01/2018, 07/01/2018, and

BE IT FURTHER RESOLVED, that the Police and Fire Chiefs each shall receive an annual clothing allowance of \$1,000 and all those other employees in Groups 2, 3, and 4 currently receiving a clothing allowance shall receive an annual clothing allowance of \$750, and

BE IT FURTHER RESOLVED, those employees in Groups 2, 3, and 4 shall receive annually 7 days of personal leave, and

BE IT FURTHER RESOLVED, that in the City policy manual, section 3.06, Longevity now State that Groups 2, 3, and 4 receive the following:

5 Years	\$1375
10 years	\$1575
15 years	\$1675
20 years	\$1775
25 Years	\$1900
30 Years	\$2025
35 Years	\$2150
And	

BE IT FURTHER RESOLVED, that in the City policy manual, section 3.10, Bereavement Leave now states ðand one day (1) for an Aunt and Uncle.ö

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

273. By the Council

seconded by the Council

WHEREAS, Article 11 of the Real Property Tax Law provides that the collection of delinquent real estate taxes may be enforced by a proceeding in rem against the real property involved; and

WHEREAS, many real estate tax delinquencies were brought to the attention of the Common Council by City Treasurer, Joseph M. Hogenkamp and by City Attorney Ronald C. Trabucco, prior to their being included in tax liens dated September 1, 2012; and

WHEREAS, the Common Council passed a Resolution on December 16, 2014 authorizing and directing the City Treasurer and the City Attorney to commence in rem proceedings against the properties which were delinquent in the payment of real estate taxes up and through September 1, 2012; and

WHEREAS, such proceedings were, in fact, commenced and were entitled In Rem #11; and

WHEREAS, the judgment of foreclosure was filed in the Erie County Clerk's Office on October 26, 2017 regarding various parcels of property; and

WHEREAS, said judgment of foreclosure provided for the advertisement of said properties for sale to the highest bidder at public auction; and

WHEREAS, the City Treasurer and City Attorney determined said auction would be held on Saturday, December 2, 2017 and appropriate public notice was given as required by law and said auction was held as stated and the following bids were received on the following parcels:

<u>Property</u>	<u>Purchaser</u>	<u>Purchase Price</u>
100 Cleveland Avenue Tonawanda, New York	Chimel J. Gardner	\$14,000
19 Fletcher Street Tonawanda, New York	Anthony Dellavalle II	\$37,000

<u>Property</u>	<u>Purchaser</u>	<u>Purchase Price</u>
12 Murray Terrace Tonawanda, New York	Revive WNY	\$80,000
316 Brookside Terrace Tonawanda, New York	Sean M. McDonald	\$1,200

And

WHEREAS, the Common Council reserved the right to reject any and all bids;

And

WHEREAS, the terms of sale provide that said auction would not be final until the adoption of a resolution of the Common Council approving the same; and

WHEREAS, the terms of sale require that the City provide a Bargain and Sale Deed and other usual closing documents for the closing of the sale and further that the City shall not provide a current survey nor a current search and further that the ascertainment of the marketability of the subject property for the sale is the responsibility of the purchaser; and

WHEREAS, the terms of sale further provide that any and all costs associated with the sale and the subsequent transfer to the purchaser shall be borne exclusively by the purchaser; now, therefore be it

RESOLVED, that the bids by
Chimel J. Gardner in the amount of \$14,000 regarding 100 Cleveland Avenue

Anthony Dellavalle II in the amount of \$37,000 regarding 19 Fletcher Street

Revive WNY in the amount of \$80,000 regarding 12 Murray Terrace

Sean M. McDonald in the amount of \$1,200 for 316 Brookside Terrace

are hereby accepted and the sales are confirmed and the City Attorney, Ronald C. Trabucco, is hereby authorized and directed to prepare the necessary Deeds and accompanying documents and the Treasurer, Joseph M. Hogenkamp and/or the Mayor, Rick D. Davis, Jr. are hereby authorized and directed to execute said documents to transfer the said properties to the successful bidders and the City Treasurer is also hereby authorized and directed to forward any surplus monies to the proper representatives of the County of Erie.

Treasurer Joseph Hogenkamp ó Explained the properties that were auctioned and four that will go to the Land Bank

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

274. By Councilmember Smilinich seconded by Councilmember Gilbert

Resolved, that permission is granted to Mayor Davis to close Young Street to Main Street to Delaware Street on December 31, 2017 starting at 6:00 A.M. through 12:00 midnight on January 1, 2018 for the õRockin at The Hub New Year's Eve Celebrationö.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

COMMENTS BY THE PUBLIC AFTER RESOLUTIONS

COMMENTS BY THE COUNCILMEMBERS AFTER RESOLUTIONS

Councilmember Gilbert ó It was a thrill to see the USS Little Rock come into Buffalo today and an honor for our Tonawanda Police Boat to be involved in the welcome.

I also want to thank the Police Department for their work in locating the two missing teens from our City and thank all departments involved for their help with the Wonderful Night Event on Main Street.

Councilmember Smilinich ó I want to thank the Recreation Department, the DPW as well as Police and Fire Departments that were involved in making our First Wonderful Night on Main Street a success. It was a wonderful event for our community.

Mayor Davis ó I want to echo the thanks to all the departments and volunteers for the Wonderful Night Event. In all my years here, I have never seen such a crowd for that and our Clinton Park Tree lighting.

I want to announce that we are partnering with Lumber City Development for a joint grant application to work towards making our downtowns a more cohesive unit and to improve both.

A reminder that our Holiday Lighting Contest is underway until December 15. The Winners will be announced at our December 19th Council Meeting.

Council President Koch ó Kudos to the event organizers and volunteers for ó It's a Wonderful Nightö. What a great time for the City.

I want to recognize Betty Heimille and Jane Soluri who have volunteered at St Francis outreach for nearly four decades. Thank you for your commitment.

Thank you to Frank Corbets for putting together the opioid seminar this past weekend. I look forward to future presentations.

