

Council Chambers  
Tonawanda, New York  
February 2, 2016

A Regular Meeting of the Common Council

Present: Council President Koch

Present Councilmembers: Gilbert, Smilinich, Rautenstrauch, Toth

Pledge of Allegiance led by Council President Jenna Koch.

Silent Prayer led by Deputy City Clerk Laurie Schultz

The cast from the Tonawanda High School Musical "Peter Pan" performed a song.

**COMMUNICATIONS FROM THE MAYOR**

A letter to Susan Gregg, 332 Adam Street, dated January 20, 2016, reappointing her to the City's Board for the Visual and Performing Arts, term to expire December 31, 2018.

A letter to Robert Gregg, 332 Adam Street, dated January 20, 2016, reappointing him to the City's Board for the Visual and Performing Arts, term to expire December 31, 2018.

A letter to Glenna Sternin, 738 Fletcher Street, dated January 20, 2016, reappointing her to the City's Board for the Visual and Performing Arts, term to expire December 31, 2018.

**COMMUNICATIONS FROM CITY OFFICIALS AND CORRESPONDENCE**

The following monthly reports were received by the City Clerk:

January minutes of the Traffic and Safety Advisory Board

January minutes of the Board of Appeals

A letter and pictures from John Bryans, 574 Delaware Street, dated January 4, 2016, regarding his complaint to the Council about the parking situation on Dexter Street.

A notice of Public Hearing being held by the City Board of Appeals on February 29, 2016 at 6:30 P.M., Tonawanda City Hall, Lower Level Community Room, regarding a variance request at 242 Iliion Street.

A notice of Public Hearing being held by the City Board of Appeals on February 29, 2016 at 6:30 P.M., Tonawanda City Hall, Lower Level Community Room, regarding a variance request at 281 Hamilton Avenue.

Referred to the Committee of the Whole

Ordered filed

**COMMENTS BY THE PUBLIC ON RESOLUTIONS**

No comments on the resolutions.

**MOTIONS AND RESOLUTIONS**

27. By Council seconded by Council  
Resolved, that the Common Council minutes from January 19, 2016, be accepted as filed.

Ayes: Gilbert, Rautenstrauch, Toth, Koch

Nays: None

Abstention: Smilinich

Resolution declared adopted

28. By Councilmember Smilinich seconded by Councilmember Rautenstrauch  
Resolved, that Gayle L. Syposs is hereby appointed City Clerk, effective February 3, 2016, at an annual salary of \$60,000. Said appointment shall run for a term to expire on December 31, 2017, or until such time thereafter another appointment is made.

Council President Koch- I would like to thank Gayle for her service. We received a resume. Her resume speaks volumes and if anybody would like a copy of that I have no problem in emailing it. I did ask the Treasurer to look into the total estimated savings and it equals \$21,930.99. So thank you Joe for giving me that information.

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

Resolution declared adopted

29. By Councilmember Gilbert seconded by Councilmember Smilinich  
Resolved, that Resolution/Ordinance # 25, entitled Buildings and Building Regulations, adding a new Article 11 entitled: *Commercial Structures*, Section 14-479 *Alterations to the Exterior of Commercial Structures* from the meeting on January 19, 2016, be rescinded.

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

Resolution declared adopted

30. By Councilmember Smilinich seconded by Councilmember Gilbert  
Resolved, that the reading of resolution # 31 be waived.

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

Resolution declared adopted

31. 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 January 22, 2016, in accordance with Section 2.047 of the City Charter; and

**WHEREAS**, within the City of Tonawanda there are many structures of historical and/or architectural importance and many other structures that are important to the ambiance of the areas within which they stand; and

**WHEREAS**, the City of Tonawanda is concerned that the ambiance and viability of its commercial areas be maintained and enhanced; and

**WHEREAS**, the change of an existing façade on a commercial structure in the central business district (CBD) area (defined for this purpose as bounded by: Seymour/Niagara to Niagara/Young to Young/Fletcher to Fletcher/Seymour to Seymour/Niagara) may be detrimental to the commercial area within which it is found; and

**WHEREAS**, the City of Tonawanda will be initiating a more complete and in depth review of its zoning procedures, including any alterations to the facades of commercial buildings; and

**WHEREAS**, in the interim period (i.e., between now and Council's approval of the broader and more in-depth façade alteration policy for the City), it is critical that the City's commercial area, (CBD), is not altered by façade changes, unless such changes are required for safety (e.g., structural failure) reasons; and

**NOW, THEREFORE, BE IT RESOLVED** that Chapter 14 of the Code of the City of Tonawanda, entitled Buildings and Building Regulations, shall be amended to add

a new Article 11 entitled: *Commercial Structures*, Section 14-479 *Alterations to the Exterior of Commercial Structures*, which shall read as follows:

Sec. 14-479

Alterations to the Exterior of Commercial Structures.

Alterations to the façade of commercial structures located within the central business district (CBD) must obtain the approval for such changes from the City's Planning Board, substantiating that such changes will not impact negatively on the ambiance and historic nature of the building and of the central business district (CBD) Commercial area; and

This provision shall remain in effect until altered by the Common Council.

**BE IT FURTHER RESOLVED**, that the above Ordinance 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

32. By Councilmember Toth seconded by Councilmember Rautenstrauch  
Resolved, that the following Certificates of Insurance and bonds for plumbers have been accepted and approved by our Plumbing Inspector and therefore shall be filed and a license shall be issued for said plumbers to do business in the City of Tonawanda. They are: Joseph A. Grasso (Hollingworth Enterprises, Inc.), David James Morrison (DVBrown & Associates), Timothy Jones (Jones Plumbing Company) and Salvatore Musso (Musso Plumbing & Heating Inc.)

Ayes: Smilinich, Rautenstrauch, Toth, Koch

Nays: Gilbert

Resolution declared adopted

33. By Councilmember Rautenstrauch seconded by Councilmember Gilbert  
Whereas, a \$25.00 Special Events application fee and application were received by the Deputy City Clerk for the Run The Hawk 5K Race and  
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 Fred Foels and the event chairperson, now, therefore be it  
Resolved, that permission is granted to Cardinal O'Hara High School to hold the Run The Hawk 5K Race on Friday, June 24, 2016, at 6:30 P.M. and be it further  
Resolved, that any overtime that is incurred during this event will be paid for by Cardinal O'Hara High School and be it further  
Resolved, that a Certificate of Insurance naming the City of Tonawanda as additional insured be filed with the City Clerk no later than June 17, 2016.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

34. By Councilmember Gilbert seconded by Councilmember Toth  
Resolved, that at the recommendation of the City Engineer, Jason J. LaMonaco, P.E., that award of Environmental Engineering services to assist with the post closure monitoring and reporting of the Wales Avenue Landfill for 2016 be made to GHD Consulting Services, Inc., at a cost not to exceed \$18,500.00.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

35. By Councilmember Smilinich seconded by Councilmember Toth  
Resolved, that the reading of resolution # 36 and resolution # 37 be waived.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

36. By Councilmember Toth seconded by Councilmember Gilbert  
Whereas, a \$25.00 Special Events application fee and application were received by the Deputy City Clerk for the Ride for Roswell and  
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 Fred Foels and the event chairperson, now, therefore be it  
Resolved, that permission is granted to Roswell Park Alliance Foundation to hold the Ride for Roswell Saturday, June 25, 2016, at 7:00 A.M. and be it further  
Resolved, that any overtime that is incurred during this event will be paid for by Roswell Park Alliance Foundation and be it further  
Resolved, that a Certificate of Insurance naming the City of Tonawanda as additional insured be filed with the City Clerk no later than June 18, 2016.

Councilmember Gilbert- I'dl be riding in this race and I put a challenge out to my council mates to see if they want to ride with me, trying to keep up with me for the twenty miles. So, I do the twenty miles so if any councilmember wants to join in and we raise money for Roswell and we have a good time.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

37. By Councilmember Rautenstrauch seconded by Councilmember Gilbert  
Whereas, a \$25.00 Special Events application fee and application were received by the Deputy City Clerk for the Green Beer Sunday and  
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 Fred Foels and the event chairperson, now, therefore be it  
Resolved, that permission is granted to Gateway Harbor to hold the Green Beer Sunday event on Sunday, March 6, 2016, at 11:00 A.M. and be it further  
Resolved, that any overtime that is incurred during this event will be paid for by Gateway Harbor and be it further  
Resolved, that a Certificate of Insurance naming the City of Tonawanda as additional insured be filed with the City Clerk no later than February 27, 2016.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

### **COMMENTS BY THE PUBLIC AFTER RESOLUTIONS**

Nancy Paschen, 5 Main Street - On the agenda for the Mayor, his speech, he mentioned the fact that (inaudible) but doesn't that have to be voted on by the public? You got the harbormaster (inaudible) who's going want to ride their bicycle or go for a walk. Come on, wake up!

Council President Koch - Thank you for your comment Ms. Paschen.

Dan Kancar, 109 Mullen Street - Madame President, I want to congratulate you and the newcomers over here on the council. I hope that you guys do a great job as the other people did. The reason why I am here today is that I am going to ask a favor. I had asked at the last council, twice prior that the Board of Appeals would record their minutes, so they would have an accurate minutes between the person going in front of them and the board. I wonder if you could take a look at that and have them recorded. Ms. Kossow, when she does it, she just does it on a computer and she just does it by hearing, so she misses some things. A lot of things that were said that I said or that they said were not in the minutes. So I think it would be best if those, more accurate, and completely accurate. At the inset I want to congratulate Mr. Cassata and Ms. Bodie for their retirements. They were both great employees. They were fair and impartial in the way they held their offices. They are great people that will really be missed. So, that is all I have to say.

Gayle Syposs, 301 Broad Street - I want to thank the council for the appointment and say to Mr. Gilbert and Mr. Toth I think we will work just well together.

Council President Koch - Thank you Ms. Syposs. Any other comments?

Peter Maduri, 192 Dexter Street- I want to welcome the council in their positions and wish them a lot of luck. I have a letter of some of the concerns we have regarding the new barber shop that is on Delaware Street. I have a few copies for the council if you would like to review them and comment at a later time. They are all concerns that I am sure the Building Inspector could probably answer or the council could. I will leave you the hard copies and will leave it at that.

Council President Koch- Thank you.

#### **COMMENTS BY THE COUNCILMEMBERS AFTER RESOLUTIONS**

Councilmember Gilbert ó Thank you Madame President. I want to thank the students from Tonawanda High School coming in and doing part of their show tonight. That was a great thing to see and I know a few of the kids who are in the play and I can't wait to see it. Every time I have gone to their plays it has been a lot of fun. I really think you all should go and see this because their plays are really, really good. As far as Ms. Syposs goes, Gayle and I have had a talk previously; she knows how I feel about the situation. She knows why I voted way I did so as far as that goes, it is a done deal. Little League Drive, there is a potential here between \$250,000 to \$350,000 impact on the City of Tonawanda and the annual budget with an increase of revenue, which can buy things that the City needs, keep services the way they are. And if this City and this Council can't find the direction to go with this, then we're going to be stuck in the mud. So I implore our council to take a look at the numbers again and think about this hard and come up with the best decision they can. Thank you Madame President.

Councilmember Smilinich ó Thank you Madame President. Thank you Mr. Lynch who is gone and all his students for the sneak preview. This looks like it is going to surpass the previous stage presentation that they have made. I too Chuck, would like to urge this council to make a decision relative to Little League Drive, one way or the other. We've got builders that have been standing by for seven months or more. We have residents that have been waiting almost twelve years. We have department heads that don't know if they're going to have to make cuts, if they're going to have to buy equipment or whatever. All the residents in the City don't know if we are going to have the services that we have come to enjoy. I just think that we need just to bring it out and say 'yes' or 'no' to it and go with whatever the council majority decides. We have become known as a city that doesn't want progression. I don't believe that is what the people in this city put us here for and I don't believe that is what they want. I don't want to be known as that. I want to see this city thrive. I want to see us grow, but if we don't have revenue immediately, not in five or ten years, we're going to hear it. That's all I have.

Councilmember Rautenstrauch - I do want to say thank you to the Tonawanda High School students that was a great performance of Peter Pan. I want to say great job. In

regards to what Mr. Gilbert and Ms. Smilinich said, I agree with what you said about (inaudible).

Councilmember Toth ó I have the same comments as the other council members about the high school and the drama club. I know Mr. Lynch does a fine job with the students. He puts a lot of effort into the work he does there and I know the kids enjoy it. In regards to Little League Drive, I think that we~~ve~~ offered myself and Madame President. We met with Mr. Stapleton some viable opportunities to work with us in the City. I would ask that the other council members look outside the box a little bit here. It~~s~~ an issue about coming up with revenues. We have offered some ideas that will help put some buildings into a bigger area than Little League Drive. So I would like us to at least look at this in abstract terms. Because of what the other council did the last ten years really doesn~~t~~ make it right. There are other options out there I believe. Perhaps we can come up with some viable solutions here to help the City.

Council President Koch - I would just like to thank the drama club as well and I look forward to seeing them in action. Have a great night everyone. Thank you.

**ADJOURNMENT**

38. By Council seconded by Council  
Resolved, that this Common Council adjourn until February 16, 2016.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

\_\_\_\_\_  
City Clerk

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Mayor

\_\_\_\_\_  
Date Filed