

Council Chambers
Tonawanda, New York
April 19, 2016

A Regular Meeting of the Common Council

Present: Council President Koch

Present Councilmembers: Gilbert, Smilinich, Rautenstrauch, Toth

Pledge of Allegiance and Silent Prayer led by Associate Fire Chaplin Dave Nedell

Presentation

City of Tonawanda Youth Board 2016 Service to Youth Award to John Bender

Mayor's Proclamation to John Bender

Proclamation to John Bender from Assemblyman Robin Schimminger

Proclamation to John Bender from Legislator Kevin Hardwick

Bid Openings:

Paving and Equipment Rental

Thursday, April 14, 2016

9:30 A.M.

Milherst Construction

10025 County Road, P.O. Box 430

Clarence Center, NY 14032-0430

Total Bid \$ 566.00/hr.

Robinson Paving

11525 E. Main Street

East Aurora, N.Y. 14052-9266

Total Bid \$ 572.00/hr.

Installation of Geotextile Fabric

Thursday, April 14, 2016

9:30 A.M.

Wrazin Enterprises

3349 Summerset Court

North Tonawanda, NY 14120

Total Bid \$ 0.42 sq. yd.

Road Building Materials

Thursday, April 14, 2016

9:30 A.M.

New Enterprise Stone and Lime Co

500 Como Park Blvd.

Buffalo, NY 14227

Urban Top or Equal (Per Ton)	\$ 62.40/ Ton
Type # Binder (Per Ton)	\$ 53.95/ Ton
Regular Top (Type 6F) (Per Ton)	\$ 58.10/ Ton
1 ACF (Type 7F) (Per Ton)	\$ 59.95/ Ton
Type 9.5 mm Polymer	\$ 66.55 /Ton
Cold Patch (QPR) (PerTon)	no bid
#1 Stone (Per Ton)	\$16.00 /Ton
#2 Run of Crushed Stone (Per Ton)	\$10.75 /Ton

LaFarge North America., Inc.

75 Pineview Dr.

Amherst, NY 14228

Urban Top or Equal (Per Ton)	\$ 60.50/ Ton
Type # Binder (Per Ton)	\$ 51.25/ Ton
Regular Top (Type 6F) (Per Ton)	\$ 55.40/ Ton
1 ACF (Type 7F) (Per Ton)	\$ 57.00/ Ton
Type 9.5 mm Polymer	\$ 62.90 /Ton
Cold Patch (QPR) (PerTon)	\$95.00 / Ton
#1 Stone (Per Ton)	\$14.00 /Ton

#2 Run of Crushed Stone (Per Ton) \$ 9.75 /Ton

Bid Bonds and Non-Collusive Bidding Certificates accompanied bids
Referred to the Committee of the Whole and ordered filed

COMMUNICATIONS FROM THE MAYOR

Communication from Robert Starr COT Youth Board Director announcing the Service to Youth Award for 2016 to John Bender to be presented April 19, 2016 at Common Council meeting.

A letter to Janice Bodie appointing her to the Civil Service Commission effective June 1, 2016 and expiring on May 31, 2022.

A letter to Henry Hoffman reappointing him to the Tonawanda Housing Authority Board effective February 1, 2016 and expiring February 11, 2021

A letter to Dan Schulman, President of PayPal applauding their decision to pull out of deal with North Carolina and inviting them to consider the 40 acre Spaulding Commerce Park site.

A copy of letter to Erie County Board of Elections from the Tonawanda School District requesting the elimination of Mullen School and Riverview Schools as polling sites.

COMMUNICATIONS FROM CITY OFFICIALS AND CORRESPONDENCE

The following monthly reports were received by the City Clerk:

April 19, 2016 Comprehensive Revenue and Expenditure Control Report from the City Treasurer

March 2016 Activity Report of the Fire Department

March Minutes of the Traffic and Safety Advisory Board

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.

Council President Koch- In an effort to maintain a respectable environment please keep your comments courteous, respectful, and non-repetitive.

Mark Zahm, 33 Grove Place- Regarding Resolution #12, how does that affect me personally in a positive way?

City Attorney Trabucco- Back in February, we passed Local Law #3 in the year 2015 for the purposes of residential tax exemptions regarding new construction commencing on January 1, 2016. As part of the Local Law, it needs to be co-sponsored by the members of the State Assembly and State Senate. Therefore, it gets forwarded on to Assemblyman Schimminger and Senator Panepinto. They need to make a request for what is involved hopefully. It's called the Home Rule. What this resolution is simply, is authorizing that the Senate and the Assembly to pass the bill and also to do the formal request. Once that is done, I expect that sometime in May, that the special bill they will pass to authorize our local law and then we can forward it on to the Secretary of the State. It then becomes law.

Councilmember Gilbert- Madame President, can we call up Judy to explain how this works with the tax breaks and tax reduction?

City Assessor Judy Tafelski- As I understand it the law will allow 50% of the new construction over a ten year period and it will start at 50% of exemption, the next year it will be 45%, 40, 35, until its time has expired. This is construction only from January 2016.

MOTIONS AND RESOLUTIONS

106. By Council seconded by Council
Resolved, that the Common Council minutes from April 5, 2016, be accepted as filed.

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

Resolution declared adopted

Councilmember Rautenstrauch- Excuse me Madam President, we have a statement to be read.

City Clerk Syposs- City of Tonawanda Residents, Employees and Elected Officials:
Be it known on this 19th day of April 2016 that continuous and most recent erroneous statements, misleading facts, failure to control meetings, participation and endorsement of special interest groups, and violation of Council Member's 1st Amendment Rights, the undersigned are issuing this statement of NO CONFIDENCE in the ability of the City of Tonawanda Common Council President, Jenna Koch, to conduct business and represent the ENTIRE City of Tonawanda fairly and equitably. Signed by Charles Gilbert, Jackie Smilinich and Sean Rautenstrauch.

107. 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

108. By Councilmember Koch seconded by Councilmember Rautenstrauch
Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk for an Old Fashioned Street Dance, 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 Parks and Recreation Director Amanda Lofft, and the event chairperson, now, therefore be it
Resolved, that permission is granted to Tonawanda's Gateway Harbor, Inc to conduct a Old Fashioned Street Dance, on June 11, 2016 from 6PM until 10M, and be it further
Resolved, that any overtime that is incurred during this event will be paid for by the Tonawanda's 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 May 27, 2016.

Nays: None

Resolution declared adopted

112. By Councilmember Smilinich seconded by Councilmember Gilbert
Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk for a Kiwanis Chicken BBQ, 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 Parks and Recreation Director Amanda Lofft, and the event chairperson, now, therefore be it
Resolved, that permission is granted to the Kiwanis Club, Inc to conduct a Chicken BBQ on September 11, 2016 from 9 AM until 5 PM , and be it further
Resolved, that any overtime that is incurred during this event will be paid for by the Kiwanis Club 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 August 26, 2016.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

113. By Councilmember Rautenstrauch seconded by Councilmember Toth
Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk for Checkers AC Mueller Mile 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 Captain Fredric Foels of the Tonawanda Police Department, and the event chairperson, now, therefore be it
Resolved, that permission is granted to Mueller Mile to conduct the Checkers AC Mueller Mile on August 11, 2016 from 6:30 PM until 7:45 PM, 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 July 22, 2016.

Councilmember Smilinich- I have a question. Does this race interfere with the Resolution that we passed #4 with the Food Trucks?

Captain Fredric Foels- No.

Councilmember Smilinich- Thank you.

Council President Koch- Do you have a copy of the Special Events?

City Clerk Syposs- I do have a copy of the Special Events. They are all reviewed by the Police Department first and go through all the departments, so it does not.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

114. By Councilmember Gilbert seconded by Councilmember Smilinich
Resolved, at the recommendation of Joseph Warthling, Superintendent of Public Works that the bid for Paving Equipment and Operator Rental be awarded to Milherst Construction for a bid of \$566.00 /hr.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes: None

Resolution declared adopted

115. By Councilmember Gilbert seconded by Councilmember Toth
Resolved, at the recommendation of Joseph Warthling, Superintendent of Public Works, that the bid for the installation of Geotextile Fabric be awarded to Wrazin Enterprises for a bid price of \$0.42/sq.yd.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

116. By Councilmember Gilbert seconded by Councilmember Rautenstrauch
Resolved, at the recommendation of Joseph Warthling, Superintendent of Public Works that the bid for Road Building Materials be awarded to LaFarge North America Inc. as per their submitted bid.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

117. By Councilmember Smilinich seconded by Councilmember Toth
Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk for the Special Olympics Torch Run, 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 Captain Fredric Foels of the Tonawanda Police Department, and the event chairperson, now, therefore be it
Resolved, that permission is granted to Special Olympics to conduct the Torch Run on June 8, 2016 at 4:00 P.M 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 May 16, 2016.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

118. By Councilmember Gilbert Seconded by Councilmember Smilinich
HOME RULE REQUEST TO PASS ASSEMBLY BILL A.9587 AND SENATE BILL S.7015, ðAN ACT TO AMEND THE REAL PROPERTY TAX LAW, IN RELATION TO RESIDENTIAL INVESTMENT EXEMPTIONS IN CERTAIN CITIESö

WHEREAS, there is now pending in the New York State Legislature, legislation entitled ðAn act to amend the real property tax law, in relation to residential investment exemptions in certain citiesö; and

WHEREAS, it is in the interest of the City of Tonawanda that such legislation be enacted;

NOW THEREFORE BE IT RESOLVED: That the City Clerk, Gayle L. Syposs, send a Home Rule Request to the New York State Legislature as follows:

TO THE LEGISLATURE:

Pursuant to Article IX of the Constitution, the City of Tonawanda requests the enactment of Assembly Bill A.9587 and Senate Bill S.7015 entitled ðAn act to amend the real property tax law, in relation to residential investment exemptions in certain citiesö and further requests the appropriate officials issue the Home Rule Request.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

COMMENTS BY THE PUBLIC AFTER RESOLUTIONS

Mark Zahm, 33 Grove Place- A question concerning street sweeping on Grove Place. We have a problem with overnight parking. As you know Grove Place is a dead end. Two people park overnight although they do have a driveway sufficient to handle four vehicles. I am paying for a service as any other resident who owns a home and not being given that service. Either the parking has to be stopped in coordination with the street

sweeper or we need a refund. I don't care which it is. The only viable alternative that I can see is having two DPW workers with push brooms and trash cans sweep the street by hand. I'm not going to do it. That would be a violation of union regulations and I don't need my house burned to the ground by a mob of angry union leaders who are out of work. So there are three options for the problem. If something could be done immediately if not sooner, I would greatly appreciate it as would everybody in the world. Thank you.

Carol Ann Rowling, 181 Utica Street- Once again, the council for getting the loading zone on Syracuse Street put in by the group home. This has worked out very well once a few tickets were ticketed in that loading zone. The other is the employees now have been parking on the street. Even the employees have asked to put the parking lot in. Which they agreed to do. Now, I feel that the City needs to push them more, to make them live up to their agreement that they agreed to when they first came here. Well, I can't say anymore because there isn't anymore. In regards to the street sweeping, there are certain people that are new to the street that park on the street all night long. So when the street sweeper comes down there are parts in the street that never get swept because they park there every day of the week. It really needs to be addressed. I thought that was a temporary thing. I think it really needs to go back to the way it was. The people that park on the street during the winter they find someplace to park. Thank you.

COMMENTS BY THE COUNCILMEMBERS AFTER RESOLUTIONS

Councilmember Gilbert- I make a motion to adjourn.

ADJOURNMENT

119. By Councilmember Gilbert seconded by Councilmember Smilinich
Resolved, that this Common Council adjourn until May 3, 2016.

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

Resolution declared adopted

Deputy City Clerk

Mayor

Date Filed