

Council Chambers
Tonawanda, New York
August 16, 2016

A Regular Meeting of the Common Council

Present: Council President Koch

Present Councilmembers: Gilbert, Smilinich, Rautenstrauch, Toth

Pledge of Allegiance and Prayer led by Associate Fire Chaplin Bill Miles

COMMUNICATIONS FROM THE MAYOR

Letter sent to Niagara Street Homeowners regarding the Tactical Urbanism Event of August 17, 2016

Letter from Nixon Peabody, LLP with copy of an Environmental Easement for property at 126 East Niagara Street, Tonawanda

COMMUNICATIONS FROM CITY OFFICIALS AND CORRESPONDENCE

The following monthly reports were received by the City Clerk:

July report of the City Clerk

Petition to Amend Zoning District Map for 618 Delaware Street from C-1 to C-2

Environmental Assessment Form for 618 Delaware Street Rezoning Request

Estimate of Canal Fest Overtime Costs for 2016 from City Treasurer Joseph Hogenkamp

August 16, 2016 Comprehensive Revenue and Expenditure Report 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.

Ron Pillozzi, 82 Clinton Street ó I would like to address the council on resolution #6 and if we could backtrack to October 2006. We had a major storm that basically rendered all municipalities in this area unable to perform any constituent services. The reason why I say that is because I see this is a diesel generator. I don't know how long this generator is going to last because I don't know the size of the tank. How long can this generator last before it needs to be refueled?

City Engineer, Jason LaMonaco- We did look at natural gas versus diesel. The initial request not really knowing too much about generators natural gas does seem like the easier way to go (inaudible) But it turns out that there are actually codes to the type of the building it is and the possibility of the quality of the natural gas that comes into the generator can vary in times of emergency. It also leaves us with vulnerability (inaudible) with attack (inaudible) from during a terrorist incident that we have to go with diesel.

Ron Pillozzi- The other thing about natural gas (coughing) environmentally regarding. But I would just reiterate the fact that the tank is a certain size. I would really question why the reason why the City would not consider natural gas (inaudible) instead of diesel. I worked in a company for thirty years, we built gas, natural gas powered and felt that it was environmentally clean. The parts on these generators lasted a long, long time because it burned so clean. So, just a thought. Thanks.

MOTIONS AND RESOLUTIONS

198. By the Council seconded by the Council
Resolved, that the Common Council minutes from August 2, 2016, be accepted as filed.

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

Resolution declared adopted

199. By Councilmember Smilinich seconded by Councilmember Rautenstrauch
Resolved, that the reading of Resolutions #2- #8 be waived.

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

Resolution declared adopted

200. 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

201. By Councilmember Rautenstrauch seconded by Councilmember Gilbert
Resolved, at the recommendation of the City Engineer, Jason J. LaMonaco, P.E., that award of Change Order No. 1 to the contract for CDBG Sanitary Sewer Lining - 2015 be made to Skanex Pipe Services, Inc. at a credit to the City in the amount of \$43,190.00.

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

Resolution declared adopted

202. By Councilmember Toth seconded by Councilmember Koch
Resolved, that the residents of dead end portion of Wadsworth Ave including Wadsworth Court be authorized to conduct a block party on September 3, 2016 from 2 PM until 10 PM.

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

Resolution declared adopted

Council President Koch- I had received an e-mail from a resident asking about retaining outside counsel for this and I did speak to our City Attorney. We have always retained outside counsel for assessment issues.

203. By the Council seconded by the Council

WHEREAS, several years ago the City retained Attorney Michael B. Risman from the law firm of Hodgson Russ, LLP to assist in matters relating to Article 7 proceedings ó assessment issues; and

WHEREAS, the Holy Protection Orthodox Church has commenced a law suit against the City regarding the removal of their religious exemption involving their real property located at 143 Main Street, Tonawanda;

WHEREAS, Attorney Michael B. Risman has indicated that he has a conflict of interest regarding this law suit and is unable to represent the City in this matter;

NOW, THEREFORE, BE IT RESOLVED that Attorney Steven B. Bengart is hereby retained by the City of Tonawanda to assist in the law suit brought against the City by the Holy Protection Orthodox Church, together with all related matters thereto.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

Council President Koch- I understand we are replacing a 1959 generator, so I think this was certainly a good thing for us.

204. By Councilmember Gilbert seconded by Councilmember Smilinich

Resolved, that the Common Council authorizes the City to move forward with the purchase of a Cummins 150KW Diesel Generator with matching Transfer Switch from Cummins Northeast LLC for a cost of \$49,776.26 pursuant to the City's Local Law known as "City of Tonawanda Best Value Contract Awards Law" The engine for this piece of equipment is referenced under GSA Contract #GS-07F-017DA.

Council President Koch ó I'dl add a comment. I understand we are replacing a 1959 generator so I think this is certainly a good thing.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

205. By Council President Koch seconded by Councilmember Rautenstrauch

Resolved, that the Common Council authorizes the City Treasurer to enter into an agreement with GOVPAYNET for the purpose accepting debit and credit card payments for the City of Tonawanda by the City Treasurer and City Clerk for any and all purposes as the City Treasurer deems necessary.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

COMMENTS BY THE PUBLIC AFTER RESOLUTIONS

No comments from the Public

COMMENTS BY THE COUNCILMEMBERS AFTER RESOLUTIONS

Councilmember Gilbert- Nothing at this time, thank you.

Councilmember Rautenstrauch- Nothing at this time.

Councilmember Toth- Nothing as well Madam President.

Councilmember Smilinich- I'dl make it unanimous.

Mayor Rick Davis- I would just like to remind everybody about the Tactical Urbanism Event associated with the updating of our LWRP on Niagara Street tomorrow between Kohler and Franklin from 5:00 P.M. to 8:00 P.M. We will be shutting down a portion of Niagara Street for chalk artists to put in some scenic crosswalks and also to transform a portion of Niagara Street as per some of the LWRP meetings and ideas that have been thrown around. We are having some food trucks and some ice cream. If you are not doing anything tomorrow the weather should be fabulous so come on down.

The City Officials Picnic all the proceeds are to benefit the Vietnam Veterans Memorial Helicopter, September 7 at Firemanø Park. The cost is \$50.00 that includes lunch, dinner, and beverages of your choosing. Anybody that is interested please see the City Clerk for tickets.

As I explained in the back room weøve applied or are applying for a grant to help with zombie homes and residents that are caught up in foreclosure process. A \$ 150,000 grant, we are hoping to get that money and not only to start tackling he problem with zombie homes in our city but also to help residents facing foreclosure to stay in their homes.

Tomorrow, a Groundbreaking Ceremony at 11:00 A.M. at Vets Park for the Vietnam Veterans Memorial Helicopter. Hopefully, everybody can show up.

Last week, the Official Opening, even though itø been used since probably March, of the Rails to Trails. Itø a wonderful thing to have going through our community thatø going to link North Buffalo to the Canal once it is done. Phase 2 of that will hopefully begin next year, which will extend it from State Street over to the Canal. I think it will be the most scenic portion going by the creek.

Lastly, I would like to thank Councilman Gilbert and Joe Oliver for their assistance at winning the Firemanø Golf Tournament yesterday and I would like to thank Sean for driving the golf cart around.

Council Member Gilbert ó He did a wonderful job too.

Mayor Davis ó He did a fabulous job, he was the best, he was the best driver.

Council President Koch- I want to wish all the students that are returning to school in just a few short weeks a wonderful and successful year. I look forward to riding my bike on the Rails to Trails. I hope many of the residents join with us on that.

There is a Movie Night on the Niagara which will feature the Minions on August 26 at the band shell and that starts at 8:15P.M. I believe there is a Team Up to Clean Up Event this week beginning at East Niagara by Exolon.

I am very excited to see that were finally accepting credit and debit cards at City Hall. So, I would like to thank our City Treasurer and our City Clerk for working hard with other municipalities and learning the system and finalizing all the details. This is certainly a good thing. I think the residents will be very pleased to see that come to fruition. I think we are rolling that out hopefully in September. That is all I have. Have a great night. I will make a motion to adjourn until September 6.

ADJOURNMENT

206. By Councilmember Koch seconded by Councilmember Gilbert
Resolved, that this Common Council adjourn until September 6, 2016.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

City Clerk

Mayor

Date Filed