

Council Chambers
Tonawanda, New York
August 2, 2016

A Regular Meeting of the Common Council

Present: Council President Koch

Present Council Members: Smilinich, Rautenstrauch, Toth
Gilbert (excused)

Pledge of Allegiance and Prayer led by Associate Fire Chaplain Dave Nedell

COMMUNICATIONS FROM THE MAYOR

No communications from the Mayor

COMMUNICATIONS FROM CITY OFFICIALS AND CORRESPONDENCE

Letter from Jack Gallagher to the Common Council asking regarding 618 Delaware Street and Resolution adopted at July 26, 2016 Common Council Meeting

Communication to Phyllis Getner of DeGraff Hospital from Council President Jenna Koch in support of Kaleida Health's Funding Request for DeGraff Memorial Hospital Emergency Department Renovation Project

The following monthly reports were received by the City Clerk:

City of Tonawanda Comprehensive Revenue & Expenditure Control Report
As of 7/26/16

July Report of the Building Inspector

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.

Jack E. Gallagher 204 Dexter St Tonawanda, NY 14150, Requested that his letter written to the Common Council be read

City Clerk Gayle Syposs ó

From: Jack E. Gallagher

204 Dexter Street Tonawanda, NY 14150

To: Council President Koch, Councilmembers Gilbert, Smilinich, Rautenstrauch, and Toth

Subject: 618 Delaware Street

May I respectfully request that the Council consider rescinding Resolution #10 that was acted upon at the July 26th Common Council meeting. Past and standing procedure has the Building Inspector, Mayor and/or Council referring a possible zoning change request to the Planning Board for their recommendations. Then a public hearing is held by the Common Council to gather comments from the community that will guide them in their decision making process. This should be done prior to authorizing a request for a SEQR. To my knowledge, the aforementioned steps have not taken place yet. It appears to me that you are moving way to fast and eliminating some very important steps in the process.

If the Council chooses to ignore the above procedures and moves forward with this resolution, may I then request that the Council consider amending the first whereas of Resolution #10 to read: ò Whereas, the Council is considering rezoning the C-1 portion of the parcel commonly referred to as 618 Delaware Street.ö Strike: òThe entire parcel of vacant land.ö

At the ZBA Public Hearing on Monday July 25th, Mr. Paladino of 9274 Group Inc., made it clear to all in attendance (including Mrs. Smilinich) that he could fit the entire Tim Hortons and Retail Plaza portion of his proposed project into the currently zoned C-1 portion. He also said he would be able to eliminate or exit for Tim Hortons on Tussing. So I therefore feel that there is no reason to even consider rezoning any portion of the areas zoned R-2. That would be a gross encroachment into residential property, as well as contradicting what the Mayor and Building Inspector are trying to accomplish with the City's Plan.

In closing, the resolution authorizes and directs the City Engineer to engage an engineering or law firm to prepare the SEQR and expend up to \$2500.00 to do so. In my humble opinion, it is not the City's responsibility to hire and pay for the SEQR for a property it does not own. If 9274 Group Inc wants to rezone the C-1 portion to allow a restaurant use, then the onus should be on them to initiate and pay for it.

Thanks in advance for your consideration. If you care to discuss this further, please call 692-5104 and leave a message including your phone number. I will be out of town until Monday, but will be able to retrieve my messages and return your call.

Sincerely,

Jack

Cc: Mayor, City Attorney, Planning Board

MOTIONS AND RESOLUTIONS

193. By Council seconded by Council
Resolved, that the Common Council minutes from July 26, 2016, be accepted as filed.

Ayes: Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

194. By Councilmember Rautenstrauch seconded by Councilmember Smilinich
Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk for October Fest
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 Fred Foels and Amanda Lofft, Director of Parks and Recreation and the event chairperson, now, therefore be it

Resolved, that permission is granted to Corey McGowan to conduct the October Fest on October 8, from 6:00 P.M. to 11:00 P.M. and

Resolved, that a Certificate of Insurance naming the City of Tonawanda as additional insured be filed with the City Clerk no later than October 1, 2016.

Ayes: Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

195. By Councilmember Toth seconded by Councilmember Koch

Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk for the Glory Be to Kids Co-ed Softball Tourney, 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 Amanda Lofft, Director of Parks and Recreation and the event chairperson, now, therefore be it

Resolved, that permission is granted to Amanda Lofft to conduct the Glory Be to Kids Co-ed Softball Tourney on Saturday, August 13th, with a rain date of Sunday, August 14th and

Resolved, that a Certificate of Insurance naming the City of Tonawanda as additional insured be filed with the City Clerk no later than August 6, 2016.

Ayes: Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

196. By Councilmember Smilinich seconded by Councilmember Toth

Resolved, that the Common Council authorizes the emergency repair/reconstruction of the collapsed Storm Sewer Manhole at the intersection of Delaware and DeKalb Streets to Milherst Construction in the amount of \$11,515.00 as per the proposal dated July 25th, 2016 on file of the office of the City Clerk. The cost of the project will be paid out of the Sewer Fund and the Capital Project Fund.

Ayes: Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

COMMENTS BY THE PUBLIC AFTER RESOLUTIONS

Jack Gallagher 204 Dexter St-

Thanks a lot to Ron and Charlie for kindly working to reframe the process at 618 Delaware (inaudible) and taking the time to do it according to code and in the right direction. I'd save any comments, I'm not going to comment on the proposal tonight because I understand that there's not a proposal and won't be before (inaudible). I just hope the Common Council will balance the decision that they want that they have for evolving 618 Delaware with concerns of the neighborhood especially the encroachment of a commercial district into a residential district. I think it's a very, very dangerous thing, the precedent will be set where I think (inaudible), I'm aware that the Mayor (inaudible) are trying to clear up some of these spot zoning difficulties that we have in the city so I just want to reiterate I hope that the entire Council when it comes time for your public hearing here in the City will balance the needs of the residents with the needs of the developer. Thank you

Bill Kinmartin 6127 Grove St 61 I was wondering about the bridge viaduct (inaudible) at Grove and Roosevelt. The vegetation is growing out of the sidewalk. Is the City capable of trimming that back (inaudible) or is that Railroad property?

Council President Koch 61 it's the railroad

Councilmember Smilinich-It's the railroad. The railroad has been contacted, we have contacted the Assemblymen for assistance with the road and we are getting nowhere with it as usual.

Bill Kinmartin ó thank you

COMMENTS BY THE COUNCILMEMBERS AFTER RESOLUTIONS

Councilmember Toth-I have nothing

Councilmember Rautenstrauch- I have nothing

Councilmember Smilinich- I have nothing

Council President Koch- Just a reminder that Kohler Pool will close on the 19th of August. It is hard to believe we are talking about summer being over. Tomorrow is our Warrior Walk Wednesday. Please join us Vets Park at 6:30pm. I want to thank over 100 residents who have already joined us on our 2 mile walk. As we tour the City of Tonawanda and learn about the history. We have been able to make some donations to the St Francis food pantry. Thank you all for coming out and walking with us. That's all I have so have a great night.

