

Council Chambers
Tonawanda, New York
August 15, 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

Silent Prayer led by Council President Koch

Mayor's Introduction and Congratulations to Joe Skubis of Goomba's Boxing Club for participation in Downtown Days

Mayor Davis- I just wanted to introduce everyone to Joe the owner of Goomba's Boxing Club. He was an integral part in our Downtown Days. We had the first outdoor boxing matches I believe in the history of the City of Tonawanda. It was very well attended. It is something I would like to see us do in subsequent years. I hope you had a good time. I hope it was successful for you guys. Again, I just wanted to introduce everybody to him. He is up in the third floor of the old Legion building on Main Street. I wanted to thank him for his taking the time to put this together.

Bid Openings:

Thursday, July 27, 2017
10:00 A.M.

CDBG SANITARY SEWER LINING- 2017

United Survey, Inc.

25145 Broadway Avenue
Oakwood Village, OH 44146 \$115,500.00

Insituform Technologies, LLC

17988 Edison Avenue
Chesterfield, MO 63005 \$129,985.00

Arold Construction Co., Inc.

51 Powder Mill Bridge Road
Kingston, NY 12401 \$180,610.00

Friday, August 4, 2017
10:00 A.M.

SIDEWALK REPLACEMENT – 2017

CVF Inc.

100 Burkhardt Ave.
Depew, NY 14043 \$94,630.00

Millennium Construction

3024 Niagara Falls Blvd
North Tonawanda, NY 14120 \$98,350.00

Master Edge, Inc.

3409 Broadway St
Cheektowaga, NY 14227 \$99,770.00

Campobello Construction

23 Stratford Rd.
Buffalo, NY 14216 \$105,200.00

Roman Construction Dev. Corp.
7279 Lakeview Ct.
Pendleton, NY 14094 \$106,500.00

NewCal Construction, Inc.
10994 Tinkham Road
Darien, NY 14040 \$139,980.00

Leone Construction Inc.
635 Hopkins Rd.
Williamsville, NY 14221 \$155,790.00

Council President Koch- We will not be going into Executive Session.
On Resolution #9, the Public Hearing will be held on September 19 at 6:00P.M.

COMMUNICATIONS FROM THE MAYOR

Communication to Walgreen's notifying them of the August 24th Public Meeting regarding possible closing of Young Street
Letter from Mayor Davis to Kimberley Minkel of the NFTA concerning the possible permanent shutdown of Young St. and the possible affect on bus routes

COMMUNICATION FROM CITY OFFICIALS AND CORRESPONDENCE

A report from City Treasurer, Joseph Hogenkamp listing overtime costs of various departments from Canal Fest 2017

City of Tonawanda Planning Board Decision to approve the application for ReZoning of a portion of SBL38.73-2-1.1 with conditions.

Minutes of the Plumbing Board from January through July 2017

Letter to Tony Berraffato from Council President Koch thanking him for hosting their 30th Anniversary Extravaganza

City Treasurer's Comprehensive Revenue & Expenditure Control Report As of 8/15/17

Submission of: Riverwalk Villas Residential Project SEQRA's Amended Part 1 of the Full, Environmental Assessment Form with Attachments 010 to 060 & Full size Copy of Concept Plan Prepared by Carmina Wood Morris DPC for submission to Erie County Dept of Environment and Planning, Erie County Health Dept, Erie County Water Authority and the NYS Dept of Environmental Conservation

The following monthly reports were received by the City Clerk:

July Activity Report of the Tonawanda Fire Department
July Monthly Building Inspector Report

Referred to the Committee of the Whole
Ordered filed

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.

- *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.*

COMMENTS BY THE PUBLIC ON RESOLUTIONS

No comments

MOTIONS AND RESOLUTIONS

188. By Councilmember Rautenstrauch seconded by Councilmember Smilinich
Resolved, that the Common Council minutes from August 1, 2017, be accepted as filed.

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

Resolution declared adopted

189. By Councilmember Rautenstrauch seconded by Councilmember Toth
Resolved, that the bills be allowed as audited and that the City Clerk draw warrants on the Treasurer for the various amounts.

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

Resolution declared adopted

190. By Councilmember Gilbert seconded by Councilmember Smilinich
Resolved, that the reading of the resolutions be waived.

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

Resolution declared adopted

191. By the Council seconded by the Council
Resolved, at the recommendation of the City Engineer, Jason J. LaMonaco, P.E., that award of the contract for CDBG Sanitary Sewer Lining-2017 be made to United Survey, Inc. at a cost not to exceed \$115,500.00.

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

Resolution declared adopted

192. By Council President Koch seconded by Councilmember Gilbert
Resolved, that pursuant to the request of Fire Chief Chuck Stuart that the Erie County Water Authority be authorized and directed to install a fire hydrant on Niagara Shore Drive in the area of 79 Niagara Shore Drive to provide for a 450 foot spacing to the next street hydrant.

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

Resolution declared adopted

193. By Councilmember Rautenstrauch seconded by Councilmember Gilbert

Council President Koch- I have a comment. If we could just have Councilmember Rautenstrauch give a brief synopsis on this.

Councilmember Rautenstrauch- Sure, I'm actually happy to be sponsoring this. It advocates children in Western New York. This falls in line with a couple of other resolutions that passed unanimously in the Senate and the Erie County Legislature to keep the Western New York Psychiatric Center open for the children's division so they can't be co-mingled in with adult facilities to continue to provide appropriate care for children in Western New York with these kinds of needs.

Council President Koch- Thank you Mr. Rautenstrauch. Are there any other comments or questions?

Councilmember Gilbert- Madam President.

Council President Koch- Mr. Gilbert.

Councilmember Gilbert- I just wanted to add on to that saying that having two family members with special needs and one transferring from childhood to adult situation this is a very important bill. I'm glad that Sean brought this up. It's close to my heart. That is all I wanted to say. Thank- you Madam President.

Council President Koch- Thank-you Mr. Gilbert. Any other comments or questions? Please call the roll.

WHEREAS: The Western New York Children's Psychiatric Center opened in West Seneca in 1970. The center takes seriously emotionally disturbed children between the ages of 4 to 18 years old from 19 Western New York counties. The 19 different counties in New York State include: Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Erie, Genesee, Herkimer, Livingston, Monroe, Niagara, Ontario, Orange, Orleans, Oswego, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, Wyoming and Yates; and

WHEREAS: Despite the significant volume from these 19 counties the Western New York Children's Psychiatric Center has the lowest 30 day and 90 day reinstatement or re-institutionalization rate of any facility in New York State. The costs of long term hospitalization and institutionalization are drastically reduced and eliminated when the readmission rates are low; and

WHEREAS: Governor Cuomo in his 2017 Budget proposed that the West Seneca Children's Psychiatric Center be moved to the Buffalo Psychiatric Center, an adult facility and campus. Moving these children into an adult setting would not be therapeutically beneficial and may in fact be detrimental to the psyches of many of these children; and

WHEREAS: The medicinal and therapeutic benefits of treating and counseling children with mental illnesses in both rural and school settings have been documented in many medical journals and academic papers. The Governor's proposal to place these children in a lock down facility with adults runs counter to science, logic and common sense; and

WHEREAS: The New York State Assembly and Senate unanimously passed A6505 / S4630 which prohibit the collocation of certain children's facilities with adult facilities in Erie County; and

WHEREAS: Governor Cuomo needs to sign this bill and save WNY Children's Psychiatric Center in West Seneca.

NOW THEREFORE BE IT RESOLVED: The Common Council and Mayor Davis fully support the passage of the above bills in the New York State Legislature and also strongly encourage Governor Cuomo to immediately sign this necessary legislation into law.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

194. By the Council seconded by the Council
Resolved, at the recommendation of the City Engineer, Jason J. LaMonaco, P.E., that award of the contract for Sidewalk Replacement ó 2017 be made to CVF, Inc. at a cost not to exceed \$94,630.00.

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

Resolution declared adopted

195. By the Council seconded by the Council
WHEREAS, it is the intent of the Common Council to promote the public health, safety, and welfare of the community by protecting the public and the environment from tobacco-related litter; by discouraging inherently dangerous behavior of smoking around non-tobacco users, especially children; by reducing involuntary exposure to secondhand smoke where people play, exercise, and relax, by reducing the potential for children to wrongly associate tobacco use with a healthy lifestyle, and by affirming and promoting a healthy environment in and around the City's recreational areas.

NOW THEREFORE BE IT RESOLVED, that the Common Council hereby adopts a policy that all City owned parks, playgrounds, and recreation areas including the intermodal hub, shall be smoke-free; and

BE IT FURTHER RESOLVED that all the necessary and appropriate signage shall be provided by the Erie-Niagara Tobacco-Free Coalition - Roswell Park Cancer Institute, at no cost to the City; and

BE IT FURTHER RESOLVED that enforcement of this policy will occur through voluntary compliance.

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

Resolution declared adopted

196. By Councilmember Gilbert seconded by Councilmember Rautenstrauch

Council President Koch- Any comments or questions?

Councilmember Smilinich- I have a comment Madam President.

Council President Koch- Mrs. Smilinich.

Councilmember Smilinich- As I stated earlier I don't believe that a Public Hearing of this magnitude should be in conjunction with a Council meeting and so I will be voting no.

Council President Koch- Thank-you Mrs. Smilinich. Any other comments or questions?

Councilmember Gilbert- Madam President, this is just to go over the SEQRA as I understand it, right?

Council President Koch- This is to go over the re-zoning.

Councilmember Gilbert- I'm sorry, the rezoning.

Council President Koch- This is to go over the re-zoning. I just have a comment as I stated earlier the Public Hearing shall be held on September 19 at 6:00P.M. That was at the developer's request as well. Are there any other comments or questions? Please call the roll.

BE IT RESOLVED, that the Common Council hereby authorizes and directs the City Clerk to advertise, on its behalf, a Public Hearing; and further the Common Council is authorized to hold a Public Hearing, pursuant to legal publication, regarding The Re-

Zoning of property commonly known as "Little League Development Property" located at 151 Little League Drive, Real Property Tax Parcel #38.81-1-10 and a portion of 777 Niagara Street, Real Property Tax Parcel #38.73-2-1.1 in the City of Tonawanda, known as Part of Lots 89 and 90, The (Two) Mile Reserve and Property consists of approximately 14 acres, from zoning classification R-1 Single-Family Residence District to zoning classification R-2 General Residence District;

BE IT FURTHER RESOLVED, that this Public Hearing shall be held on September 19th, 2017 at 6:00 P.M. in the City Hall, Common Council chambers, 200 Niagara Street, Tonawanda, New York.

Ayes: Gilbert, Rautenstrauch, Toth, Koch

Nays: Smilinich

Resolution declared adopted

197. By the Council seconded by the Council

Council President Koch- Any comments or questions?

Councilmember Gilbert- Madam President, this also has a \$2500.00 reduction in the first year of this contract as it sits. Is that correct Mayor?

Mayor Davis- That is correct.

Councilmember Gilbert- Thank -you.

Council President Koch- Thank ó you Mr. Gilbert and Mayor.

Resolved, that Mayor Davis is authorized to execute and enter into an agreement with SmartEdge, to provide preventative maintenance and servicing of HVAC, automatic temperature controls, and direct digital controls located in City facilities for five years from September 1, 2017 through August 31, 2022.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

198. By the Council seconded by the Council

Resolved, whereas, the City desires to participate in the Tonawanda Rails to Trails Extension Project, PIN 5761.02 (the "Project") sponsored by the County; and

Whereas, the City is the owner of public land contained within the Maple Street, Glenwood Avenue, Young Street, Fillmore Avenue and East Niagara Street rights-of-way (ROW) which is required for construction of the Project; and

Whereas, the County, as Project Sponsor, requires the City's permission to construct the Project within the Maple Street, Glenwood Avenue, Young Street, Fillmore Avenue and East Niagara Street ROW; and

Whereas, the City Attorney Ronald C. Trabucco has reviewed the proposed inter-municipal Agreement and found it acceptable; and

Whereas, City of Tonawanda Common Council has reviewed the proposed inter-municipal Agreement.

Now, therefore be it resolved that the City of Tonawanda Common Council authorizes and directs Mayor Rick Davis to enter into said inter-municipal Agreement with Erie County for the purposes described above.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

199. By the Council seconded by the Council
Resolved, at the recommendation of the City Engineer, Jason J. LaMonaco, P.E., that award of Niagara River Stream Bank Stabilization Change Order No. 2 be made to Yarussi Construction, Inc. as a credit to the City of Tonawanda in the amount of \$78,329.53.

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

Resolution declared adopted

200. By Councilmember Gilbert seconded by Councilmember Toth
Whereas, a Special Events application was received by the City Clerk on July 31, 2017 from the Fiorella's Garden Center to conduct a Halloween Spooktacular

Whereas, the application was reviewed and commented on by all appropriate department heads to insure the safety and well being of our residents

Therefore, be it resolved that permission be granted to the Fiorella's Garden Center to hold their Halloween Spooktacular on October 15, 2017 and close Fletcher Street between Young and Delaware between noon and 4:00 P.M. Event to be coordinated with Captain Fred Foels and the Tonawanda Fire Department and further

Resolved, that a Certificate of Insurance naming the City of Tonawanda as additional insured be filed with the City Clerk no later than September 15, 2017

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

Resolution declared adopted

COMMENTS FROM THE PUBLIC AFTER RESOLUTIONS

Maria Swiefka, 16 Steiner Avenue- I am pleased to see all the changes occurring here in the City and happy we have so many amenities for our young people and our older crowd as well. What is disturbing at this point is a lot of money being spent on tourism and attracting people to the area but not enough being spent on the safety of the residents. The traffic flow on Main Street and Delaware Avenue need to be addressed immediately. I implore the Council to do something about signage, lines, parking, and directing something at the City borders stating that these areas are not four lanes. That the area in front of Tim Horton's coming from North Tonawanda that right lane ends. There have been accidents aplenty on Main Street in front of the library. I am formally requesting pedestrian lights at both of the Roosevelt and Main Street intersection and the State Street and Delaware Avenue intersection so that our young people can get to the skate park and the library and Kohler Pool and the Boys and Girls Club and to school. We have a lot of young walkers. From personal experience I have had to stop traffic on Main Street five times this summer alone so some young people can cross coming out of the train trestle path to get into the Grove Street area residences from the pool. It's dangerous! There are accidents there almost daily. There is a police officer who sits under that bridge and that is the only time that traffic flows safely in that area. I love what the City is doing including the much disputed Hub. But please, spend some money on the safety of the residents that are already here. That's all I have.

Council President Koch- Thank-you so much for your comments. We will forward your comments to the Traffic and Safety Board.

Frank Corbett, 90 Harriet Street- The question before you tonight is which came first the chicken or the legislation? Back in May 1, of 2012 North Tonawanda was the latest in a long line of municipalities to put together legislation to allow residents to have a small number of female egg laying chickens. They have upheld that every year since because of legislation that was well put together. What I would like to see and what I have been encouraged to do and I've been in contact with not just folks on the council but about seventy-nine other residents of the City of Tonawanda that would like to see that drafted and put on a temporary probationary basis to make sure it vets out with no promises of continuance. A probationary program mirrored exactly after North Tonawanda program with three exceptions. I found the North Tonawanda regulations don't or are not cohesive with the recommendations of the Department of Agriculture. They don't go far enough. What I would like to do is have the Council put together a committee to sit down to draft

the legislation so it can be reviewed properly by the Council, considered, and appropriately voted on. Just give it a fair shake.

Council President Koch- Thank-you for your comments.

COMMENTS FROM THE COUNCILMEMBERS AFTER RESOLUTIONS

Councilmember Toth- The only thing I have tonight is I just want to send my condolences out to the Richardson family. Jerry Richardson passed away after a battle with cancer last week. For anybody who has played softball or baseball in the City, Mr. Richardson was one of the first umpires you always met when you were playing. He was a great guy. He was a neighbor of mine but not only that he was a Marine Corp veteran who fought in the Korean War. He was a fifty year member at Niagara Hose. I know he will be sorely missed in the neighborhood. My Red Sox and Yankees talks that we would have very often are going to be missed. I just want to send my condolences out to the Richardson and Schuster families. Thank-you and that is all I have.

Council President Koch- And even his daughter who is a softball coach at Tonawanda.

Councilmember Rautenstrauch- I have nothing again this week.

Councilmember Smilinich- I just want to thank Joe. You guys did a great job with the boxing match. It was fantastic. There were a group of us and we just didn't want it to stop. The kids came in and they tried with their whole heart and to listen to them and watch the whole process that you went through in addition to you putting up the tent. That was kind of fun too. It was very entertaining. Please consider doing it again. We really enjoyed it. As far as the opening of the Hub, I would like to thank everybody especially Caitlin. I know she did a lot and Allison and the Mayor and Charlie. It had the potential to be a wonderful day. It started out really wonderful but the weather didn't help us. The thought was there and it was really great. Thanks for trying to do something in the downtown area. That's it. Thank-you.

Councilmember Gilbert- Joe, I was on vacation but I saw the pictures. It looked great. I got one for you, "Carnage on the Canal" for your next outdoor bout. I love boxing so I would love to see that. I would like to see you do more of it. I think it is a great avenue. It's a great outlet and a great training program for kids as well. Other than that, that's it for me.

Mayor Davis- I would just like to remind everyone of the meeting at 6:00 P.M. on August 24 pertaining to the closure of Young Street. Just to bring everybody together. I will be moderating this meeting although I don't have a say in it. It will bring together the council, the company Clark Patterson Lee that went through the update of the LWRP along with you residents to understand the process, to voice your opinions, concerns or approval for what is being proposed and give the council the tools necessary to make an important decision moving on from there. The Intermodal Hub, I can't thank enough people. I've already thanked them at the opening. It's been wonderful. We've had bikers from Germany and London that have already come through. I think it is going to be an asset for our downtown. I would like to extend my condolences to the Richardson family as well and also to the Monnet family. Anybody that followed the Power Boat Races knew Darrel Monnet and his wife Luann. Darrel passed away suddenly late Saturday and my thoughts and prayer go out to the Monnett family and ask that yours be with them as well. Thank-you Madam President.

Council President Koch- It's nice to see some new faces in our audience. Thank-you very much for coming out and speaking to us. I also want to thank Jessica Miranda from the Niagara Gazette for coming to the council meeting tonight and hopefully we see more of you. I attended the Hub ceremony. It was a beautiful event. It was great to see other elected officials and members from our community there as well. If you have not had a chance to visit our Hub, please stop down and check it out. Please don't graffiti it or write on it. It's a beautiful building. I also want to thank Skip Johnson from the Historical Society of the Tonawandas for giving tours the evening of the Hub event. He took some time off and stayed away from his vacation and decided to help us out. So thank you very much to Skip. Tomorrow we will have the "Stuff Dr. Oldenburg's Office School Supplies

Driveö from 5:00 P.M. to 8:00 P.M. at the High School. So please come out and meet the new superintendent and may thanks to all those who have donated so far. Just a reminder to mark your calendars for the public hearings that we have coming up. I know the Mayor touched on it the one coming up on August 24 at City Hall starting at 6:00 P.M. and the Public Hearing on September 19 at 6:00 P.M. at City Hall. Please tell everybody about those public hearings and come on out and with that said I would like to make a motion to adjourn on the floor. The Council will be meeting in the back.

ADJOURNMENT

201. By Council President Koch seconded by Councilmember Gilbert
Resolved, that this Common Council adjourn until September 5, 2017.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

Deputy City Clerk

Mayor

Date Filed