

Council Chambers
Tonawanda, New York
February 3, 2015

A Regular Meeting of the Common Council

Present: Council President Zeisz
Present Councilmembers: Gilbert, Smilinich, Koch
Excused: Hall

Pledge of Allegiance led by Council President Zeisz

Prayer led by Chief Fire Chaplain Sam Ciffa

Mayor's Proclamation
Ken Kreger Day

COMMUNICATIONS FROM THE MAYOR

A letter from County Executive Mark C. Poloncarz, dated January 14, 2015, informing the Mayor that the City of Tonawanda will be receiving \$100,000 from the Erie County Consortium Community Development Block Grant Program for the sanitary sewer lining project.

A letter from the New York State Department of Environmental Conservation, dated December 22, 2014, congratulating the City for a successful application receive funding for an Urban and Community Forestry Project in the amount of \$17,525.00.

A letter from the Secretary of State, dated December 17, 2014, informing the City that they were awarded through the Department of State Local Waterfront Revitalization Program under Title 11 of the Environmental Protection Fund \$187,225.00 for a Main Street Development Program.

Ordered filed

COMMUNICATION FROM CITY OFFICIALS AND CORRESPONDENCE

The following monthly reports were received by the City Clerk:

December (2014) minutes of the Planning and Zoning Board
Yearly report of the Building Inspector
Yearly Activity Report of the Fire Department
January monthly report of the City Clerk
January minutes of the Traffic and Safety Advisory Board
2014 Comprehensive Revenue & Expenditure Control Report for the
City of Tonawanda

Referred to the Committee of the Whole

Ordered filed

A letter from City Attorney Ronald C. Trabucco, dated December 31, 2014, reappointing S. Michael Rua, Esq., Deputy City Attorney, term to expire December 31, 2015.

Referred to the Committee of the Whole

A letter from City Attorney Ronald C. Trabucco to the County of Erie Department of Environment and Planning, dated January 16, 2015, regarding the rezoning of 80 Clinton Street.

Referred to the Committee of the Whole

A letter to the Chairman of the Planning and Zoning Board, dated January 16, 2015, regarding the rezoning of 105 Mill Street.

Referred to the Committee of the Whole

A letter to Margaret Richey, 59 Lynbrook Drive, dated January 16, 2015, regarding the rezoning of 105 Mill Street.

Referred to the Committee of the Whole

A letter to City Attorney Ron Trabucco from Attorneys Greco & Trapp, dated January 14, 2015, regarding the land swap for Little League Drive and Clint Small Stadium.

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

There were no comments by the public on the resolutions.

MOTIONS AND RESOLUTIONS

15. By Councilmember Gilbert seconded by Council President Zeisz
Resolved, that the Common Council minutes from January 20, 2015, be accepted as filed.

Ayes: Gilbert, Koch, Zeisz

Nays: None

Abstain: Smilinich

Resolution declared adopted

16. By Councilmember Koch seconded by Councilmember Gilbert
Resolved, that Joseph Oliver, Jr., 223 Brookside Terrace, be appointed to the Board of Assessment Review, term to expire September 30, 2019.

Ayes: Gilbert, Smilinich, Koch, Zeisz

Nays: None

Resolution declared adopted

17. By Councilmember Smilinich seconded by Council President Zeisz
Resolved, that the following certificates of insurance and bonds for plumbers be filed and a license be issued for said plumbers to do business in the City of Tonawanda: Frank DiMaria (Frank's Commercial & Home Services); Brendan P. Finn (Brendan P. Finn); Timothy Jones (Jones Plumbing); David James Morrison (D.V. Brown & Associates, Inc.); Bernie Patcyk (Hastings & Son, Inc.).

Councilmember Koch ó Do we do background checks on plumbers? Is that required too?

Council President Zeisz ó Not that I am aware of, no.

Ayes: Gilbert, Smilinich, Koch, Zeisz

Nays: None

Resolution declared adopted

18. By the Council seconded by the Council

Whereas, in accordance with Section 2.025 of the Charter of the City of Tonawanda, New York, the Mayor of the City of Tonawanda has the authority to appoint City Department Heads, including the Building Inspector, subject to the consent of the Common Council and

Whereas, former Building Inspector, Kevin Rank, has retired from his position and

Whereas, Mayor Rick Davis has appointed Erik Lindhurst, 154 Adam Street, Tonawanda, New York, to the position of Building Inspector upon the consent of the Common Council, now, therefore be it

Resolved, that the Common Council hereby confirms and consent to the appointment of Erik Lindhurst to the position of Building Inspector, at an annual salary of \$55,000, effective February 10, 2015.

Councilmember Koch ó I just want to welcome Erik and I look forward to working with you so, congratulations.

Ayes: Gilbert, Smilinich, Koch, Zeisz

Nays: None

Resolution declared adopted

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.*
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COMMENTS FROM THE PUBLIC AFTER RESOLUTIONS

Cheryl Lepsch, 65 Harriet Street ó I know a lot of times you see me I am here for some reason to complain, but when I do complain, I complain, but when something good happens I am also there to talk about that and I just want to say a quick thank you. I can't, my family can't, thank the City of Tonawanda, the Fire Department, Jenna Koch for literally saving my brother and his wife's life. Their carbon monoxide in their home was literally deadly and they went five days without hot water, gas, and if not for the hard work of them and our Police Department as well, from what I understand somebody from the Police Department just went over there and was giving them information because

financially, they couldn't afford to take care of what needed to be done. So Ms. Koch stepped up, they were in her district, and made things happen and I just want to say thank you to the City for everything that you did for them. It means a lot to us. The last thing I want to say is, sitting in the other meeting, listening to the dog information, since I've lived here my biggest concern has always been, and I don't understand why there isn't a limit on the dogs, especially in bigger buildings. On the corner of my street is an apartment building. They're maybe 50, 75 adult apartments in there, I don't know, but I'm sure almost every one of those has one to two dogs. They walk by my house every day, some of them are larger than even you would think an apartment would hold. My concern is, that's 75 dogs in one building if they're 75 apartments. Why do we not have some type of a limit, especially in apartment buildings?

COMMENTS FROM THE COUNCILMEMBERS AFTER RESOLUTIONS

Councilmember Gilbert ó I'd like to thank Pastor Ciffa for leading the prayer. It's always nice to see them come out, the chaplains come out and do prayer. I'd like to thank the Boy Scouts for coming in and doing the pledge and sitting through our Council meetings, I know it's not fun. Welcome Erik to the City. You've got some shoes to fill there and I look forward to seeing what you're doing. The other thing is, the other night we had, the Youth Board had the Service of the Youth Award, it kinda hit home where the Youth Board picked my wife as the Service of the Youth Award winner and it was a great night. I'd like to thank Mayor Davis and Councilmember Koch for coming. It was real special and I appreciate it.

Councilmember Smilinich ó Thank you to the Scouts for leading us in the pledge. Welcome Erik, good luck and I know you'll do us proud. Ms. Lepsch brought up an excellent point that we didn't discuss earlier on the dogs in the apartments. Can we add that to our list please? This weekend was the first WinterFest held by the Recreation Department which I attended. They arranged so that the kids participating could go to the boot camp and what I understand from the participants that came back, that the boot camp was an excellent form of activity, especially in the wintertime. They assessed them and they pushed them, but not past their limit, but just a little bit farther than their comfort zone. So pass that around, that we have a new business in town that really could help out the kids, get out of the house and out from in front of the TV and whatnot, 571 Main Street, on the corner of Wheeler and Main.

Councilmember Koch ó I wanted to welcome Councilmember Smilinich back here. Unfortunately, she didn't bring warm weather with her. Welcome back Jackie. I'd like to wish a happy belated birthday to Niagara Hose. They look great for 125 years old and I'd like to thank Niagara Hose for their service and dedication to our City. I'd also like to congratulate the Class of 2015, Tonawanda High School Wall of Fame. On February 10th there will be a special ceremony, an induction ceremony honoring this Wall of Fame class. And that's Mr. Edward Bauers, class of 1955, Mrs. Jillian Koch-Everett, class of 2001, Mr. Jacob Kunselman, class of 1999 and Coach David McKay. If you have a chance, please stop by the High School at 6:30 P.M. for the induction ceremony. The plaques will be up in the High School so, congratulations to them. Last but not least, two weeks ago I received a phone call from Chief Stuart. The department responded to a call about elevated levels of carbon monoxide and he reached out to me to see if there was assistance that we could provide this family. They were in desperate need. The readings that they were getting were actually outside of the house and I wanted to thank the department for their response, the Police Department as well. I'd like to thank National Fuel, the (inaudible) Foundation, the Clean Sweep Chimney Service, Rice Heating & Cooling, Zetter-Reitter. Together, they immediately took care of the situation that could have potentially turned tragic and I wanted to personally thank those businesses and organizations for doing such a great deed and giving back to the community, no questions asked and they saw it through and I'm very happy to report that the family is doing well, (inaudible) and they're doing well so, thank you.

Mayor Davis ó I'd like to commend our Erie County Legislature on passing a resolution that for the eight years, probably longer for Carl, that we've been involved in city government. It's been kind of like a knife in the back that we have to pay a subsidy to Niagara County every time one of our kids attends NCCC. It amounts to over six figures

every year that we have to pay out so, I commend our Erie County Legislature for passing a resolution, looking for ways that try to lower our cost for a law that dates back to the 1950s so, again, I commend them. I'd like to thank the DPW for their most recent winter storm lines cleanup. You guys do a great job, as always. Erik, stand up one more time, I know there's some people that are here that weren't here in the informal, but he is our new Building Inspector and we're looking for some great things out of having him in the years to come, so thank you. And yesterday, there was an issue with one of my lovely kids. She decided that she was a little bored with the sledding hill and went out on the ice pack on the Niagara River and fell in and I just want to thank the Police Department, Officer Kraft, Josh Lapham sitting back there, and Gary Pohzehl and Tom Wolf for their quick reaction and for assisting my daughter yesterday. There're so many ways that it could have gone wrong and thank you.

Council President Zeisz ó I just have a couple thoughts. I want to wish Erik the best of luck, we're glad to have you. And also, Ken Kreger was a friend of mine for many years. He was a fine gentleman and he'll certainly be missed by anyone that's ever bowled here in the City. He was a great guy and it was nice for the Mayor to do a proclamation in his name. I thank all of you, I thank the Boy Scouts for leading us in the pledge, thank all of you for coming, have a great night, drive home safely and we'll see you again and God Bless you.

