

Council Chambers
Tonawanda, New York
February 16, 2016

A Regular Meeting of the Common Council

Present: Council President Koch

Present Council Members: Gilbert, Smilinich, Rautenstrauch, Toth

Pledge of Allegiance led by Council President Koch

Prayer led by Chief Fire Chaplain Sam Ciffa

COMMUNICATIONS FROM THE MAYOR

A letter to Susan Tirone reappointing her to the City's Library Board effective February 11, 2016 and expiring December 31, 2018.

A letter to the Council requesting their "tasking" the Planning Board to review and make zoning code recommendations back to the Council on approximately 112 parcels. During 2015, all of the about 6500 parcels of land in the City were transferred to and automated file from the City's old hard copy Mylar files. Straight transfers were possible for all, except the approximately 112 parcels.

Referred to the Committee of the whole
Ordered Filed

COMMUNICATIONS FROM CITY OFFICIALS AND CORRESPONDENCE

A letter to the Erie County Water Authority and the City of Tonawanda notifying that the Culvert Rehabilitation on Niagara Street over Two Mile Creek was officially accepted by NYS Department of Transportation on January 14, 2016 and that D&H Excavating, Inc. is no longer involved in roadway maintenance and maintenance has been turned over to the City of Tonawanda.

A letter from CWA, Mercy United Local 1133 requesting support for The Safe Staffing for Quality Care Act in front of NYS Legislature.

A letter from Bud Hulpiau, DCO, suggesting that Elmwood Park be opened to dogs with restrictions.

Referred to the Committee of the Whole
Ordered Filed

The following monthly reports were received by the City Clerk:

Activity Report for the year 2015 of the Fire Department

Activity Report for the month of January 2016 of the Fire Department

Activity Report of the Building Inspector for January 2016

January Minutes of the Plumbing Board.

Referred to the Committee of the Whole
Ordered Filed

Council President Koch- We will be going into Executive after the Formal. By way of explanation Resolution # 3 and #4, in a nutshell, we received a phone call from Schimminger's office that required a modification to the resolutions. So, third time is a charm for this one.

COMMENTS BY THE PUBLIC ON RESOLUTIONS

No comments by the public on the resolutions.

MOTIONS AND RESOLUTIONS

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

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

40. By Councilmember Toth seconded by Councilmember Rautenstrauch
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

41. By Councilmember Smilinich seconded by Councilmember Toth
Resolved, that the readings of resolutions #3 and #4 be waived.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

42. By Councilmember Rautenstrauch seconded by Councilmember Smilinich
Resolved, that Resolution # 20 regarding Local Law No. 3 of 2015 entitled **"Enactment of Residential Investment Exemption pursuant to Section 485 (subdivision to be assigned by the State) of the New York Real Property Tax Law"** from the meeting on January 19, 2016, be rescinded.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

43. By Councilmember Gilbert seconded by Councilmember Smilinich

WHEREAS, a Local Law No. 3-2015 entitled "Enactment of Residential Investment Exemption pursuant to Section 485 (subdivision to be assigned by the state) of the New York Real Property Tax Law" which provides that:

Residential real property constructed on or after the 1st day of January, 2016 in the city of Tonawanda may be exempt from City taxation as provided in this section.

Such real property shall be exempt for a period of one year to the extent of fifty per centum of the increase in assessed value thereof attributable to such construction and for an additional period of nine years, provided, however, that the extent of such exemption shall be decreased by five per centum each year during such additional nine years, and such exemption shall be computed with respect to the "exemption base". The exemption base shall be the increase in assessed value as determined in the initial year of such ten year period following the filing of an original application, except as provided in the following subparagraph.

In any year in which a change in level of assessment of fifteen percent or more is certified for a final assessment roll pursuant to the rules of the State Board, the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical after quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base. The exemption shall thereupon be recomputed to take into account the new exemption base, notwithstanding the fact that the Assessor receives the certification of the change in level of assessment after the completion, verification and filing of the final assessment roll. In the event the Assessor does not have custody of the roll when such certification is received, the Assessor shall certify the recomputed exemption to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter

the recomputed exemption certified by the Assessor on the roll. The Assessor shall give written notice of such recomputed exemption to the property owner, who may, if he or she believes that the exemption was recomputed incorrectly, apply for a correction in the manner provided by Title Three of Article Five of the New York Real Property Tax Law for the correction of clerical errors. The following table shall illustrate the computation of the Tax Exemption:

<u>Year of Exemption</u>	<u>Percentage of Exemption</u>
1	50
2	45
3	40
4	35
5	30
6	25
7	20
8	15
9	10
10	5

No such exemption shall be granted unless:

1. Such construction was commenced on or after the 1st day of January, 2016; and
2. The cost of such construction exceeds the sum of Seventy Thousand Dollars (\$70,000); and
3. Such construction is completed as may be evidenced by a Certificate of Occupancy or other appropriate documentation as provided by the owner.

For purposes of this section the term construction shall not include ordinary maintenance and repairs.

Such exemption shall be granted only upon application by the owner of such real property on a form prescribed by the State Board. Such application shall be filed with the assessor on or before the appropriate taxable status date and within one year from the date of completion of such construction.

If the assessor is satisfied that the applicant is entitled to an exemption pursuant to this section, he or she approve the application and such real property shall there after be exempt from taxation commencing with the assessment roll prepared after the taxable status date referred to above. The assessed value of any exemption granted pursuant to this section shall be entered by the assessor on the assessment roll with the taxable property, with the amount of the exemption shown in a separate column.

The provisions of this section shall apply to real property used as the primary residence of the owner.

In the event the real property granted an exemption pursuant to the section ceases to be used primarily for eligible purposes, the exemption granted pursuant to this section shall cease.

The City of Tonawanda shall cause information relating to the availability of such exemption, including requirements and application procedures, to be attached to all building permit applications and copies of such information shall be posted in a conspicuous location in any office or offices where such permits and applications for permits are issued and processed.

This Local Law shall be provided to the Honorable Marc C. Panepinto, State Senator and the Honorable Robin Schimminger, State Assemblyman, as sponsors, for their submission of the Local Law to the New York State Legislature for its approval.

This Local Law shall take effect immediately upon filing with the New York State Secretary of State.

was enacted by a resolution of this body on January 5, 2015; and

WHEREAS, Mayor Rick Davis has this evening held a public hearing concerning said legislation;

NOW, THEREFORE, BE IT RESOLVED, that should the Mayor approve said legislation as is required by law, the City Clerk is directed to provide a copy of this Local Law to the Honorable Marc C. Panepinto, State Senator, and the Honorable Robin Schimminger, State Assemblyman, as sponsors, for their submission of the Local Law to the New York State Legislature for its approval.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that once the State legislature has approved the Local Law the City Clerk is directed to notify New York Secretary of State of its enactment and approval.

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

Resolution declared adopted

44. By Councilmember Rautenstrauch seconded by Councilmember Toth
Resolved, that at the recommendation of the City Engineer Jason LaMonaco, P.E., that the award of the Construction Contract for the Senior Center Boiler Replacement project be made to Smart Edge, at a cost not to exceed \$9,650.00.

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

Resolution declared adopted

45. By Councilmember Gilbert seconded by Councilmember Rautenstrauch
Resolved, that at the recommendation of the City Engineer Jason LaMonaco, P.E, that award of the contract for survey of the Erie County Riverwalk be made to Wendel WD Architecture, Engineering, Surveying & Landscape, PC at a cost not to exceed \$3,300.00.

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

Resolution declared adopted

46. By Councilmember Smilinich seconded by Councilmember Gilbert
Resolved, that at the recommendation of the City Engineer Jason LaMonaco, P.E. that award of the contract for CDBG Resident Project Representative Services be made to GHD Consulting Services, Inc at a cost not to exceed \$8,000.00.

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

Resolution declared adopted

47. By Councilmember Toth seconded by Councilmember Koch
Resolved, that at the recommendation of Director of Parks and Recreation, Amanda Lofft that the pay scale for Summer Lifeguards be as follows:
Head Lifeguards \$11.00, \$11.25, and \$11.50 per hour set by years of service.
Lifeguards \$10.00, \$10.25 and \$10.50 per hour set by years of service.
Adjustment to salary is required for Department to continue to employ qualified lifeguards.

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

Resolution declared adopted

48. By Councilmember Smilinich seconded by Councilmember Gilbert
Resolved, that in recognition and compliance with the New York State Open Meetings law, this Common Council will meet in Executive Session in the Common Council Chambers for the purpose of pending exempt City business, and further be it

Resolved, that upon conclusion of the above stated business matters; the meeting shall again be open to the general public. The reason for the Executive Session is to discuss personnel of particular persons.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

COMMENTS BY THE PUBLIC AFTER RESOLUTIONS

Lynn Casal, 69 Grant Street - Mayor and Council President, the 2015 Clerk position was budgeted at a salary \$62,830. In 2016, it was budgeted at \$64,729. I have an Associate degree in Business Administration along with over 28 years of combined experience as a secretary, bookkeeping, Head Commercial Teller and an Administrative Assistant to a corporate director. As an Administrative Assistant with 6 years on the job, I, nor any of my co-workers, some who have worked 20-30 years, make anywhere near \$60,000. How is it that a newly appointed Clerk is getting paid a salary of \$60,000 with no prior Clerk experience? That is only \$2,800 less than what the former Clerk, Jan Bodie was making after serving in the position for 20 plus years. I did an internet job search through Payscale to see what City Clerks make and the median range is \$35,000 to \$40,000 with 5 to 10 years of experience with Senior Clerks making an average of \$40,000 to \$50,000 with 10-20 years of experience. Our firemen starting salary is about \$39,000 and our police officers start out at around \$45,000. How can the democrats on this council vote yes to pay a clerk \$60,000 when the City is having a hard time coming up with the money to purchase a much needed fire truck? How can council members and the mayor tell residents in one breath you are looking for ways to cut the budget and in the next appoint the Democratic Party Chair to the Clerk position making such an outrageous starting salary? Did the Council President post the position? Were interviews held? Besides the outrageous salary, I believe it is a major conflict of interest to have the Democratic Chair holding such a pivotal position in our government. Enough is enough and it's time that the residents see the political favoritism that goes on in our City and vote to put an end to it at the next elections. Thank-you.

Kelly Przybysz, 17 Linwood Avenue - I am here because I have some concerns that I want to ask for your support on the parking restrictions on Delaware Street. Traffic is so heavy between the thruway exit down to Grove Street that driving has become a real nuisance and even dangerous. Many times when coming home from work I find that the light on the corner of Tussing Lane has become congested due to vehicles making a left hand turn either on Tussing Lane or Franco and other residents/businesses in that area. Cars are constantly trying to merge into the right to pass these drivers who are at a standstill only to be blocked by parked cars, causing a traffic jam. I find that a lot of zigging and zagging goes on because cars that need to turn down their street have to merge into the left lane and then back to the right. It's frustrating. I also find when I am pulling out of my street the cars parked on the side of Delaware Street are causing blind spots. I have to inch out and sometimes a car has to stop quickly and then drive around me, especially when there is a car parked right in front of the stop sign on Linwood Avenue as I have to pull out of the street while I am in the left lane making it even harder for me to see when it is clear to go. Last summer my son almost got hit by a car doing the inch out method and he said the car came out of nowhere, making me think that they must have merged last minute because of a parked car. I am asking you for your support because I am concerned with the safety of my family and our residents. I am especially concerned for our younger drivers, my son and his friends, who don't have as much experience on the road.

John Bryans, 574 Delaware Street - My concern is pretty much the same as Ms. Przybysz. Today my plow service couldn't get down Dexter Street to do my back driveways because of all the congestion. I want to know if the Council, I know a lot of you are aware of this problem. With the parking back there with the barbershop customers plus the barbers parking back there, it's almost impossible, I actually watched a City plow try to get by and get really, really close to the cars. Is anything under investigation that can be done with this problem?

Council President Koch- Were you aware of any plows not being able to get down there?

John Bryans, 574 Delaware Street- They got down there, but it was really, really, tight. Some areas of the street that didn't get plowed.

Council President Koch- We will certainly look into that. I will also have Ms. Smilinich she is on the Traffic and Safety Board and ask her to review that with them.

Councilmember Smilinich- It is under review.

Councilmember Gilbert- On the way here tonight I had the same problem on my street, where two cars were parked and the plow could not get down the street. So, it's not just limited to Dexter Street. The plow guy had to actually sit and honk on his horn until the neighbors came out because he couldn't back up. He was stuck where he was. It's not just limited to your street.

John Bryans, 574 Delaware Street- The service that I have that does my plowing, I never had a problem before. Now with all the cars I can't get in the driveway. I can't get in. But thanks!

Roger Pulchalski, 478 Adam Street - On item #6, I have a question. What's the Erie Canal Riverwalk? (inaudible)

COMMENTS BY THE COUNCILMEMBERS AFTER RESOLUTIONS

Councilmember Gilbert- I just want to congratulate the Police Department and Fire Department for their working real hard on delivering the baby that was quite a feat, nice to see that happen. So thank you very, very much.

Councilmember Smilinich ó Passed.

Councilmember Rautenstrauch - I have nothing at this time.

Councilmember Toth - I have nothing Madame President.

Mayor Davis- I would also like to express my gratitude to the Police Department and Fire Department for all their help in delivering the baby. It kind of goes along with the lines about what Pastor Ciffa said about the snow. We had somebody accidentally that stuck their hand in their snow blower and had their fingers severed. So please be very careful out there when you're using your snow blowers. I would also like to thank our DPW. They have been doing a bang up job clearing the streets. Also, we had a \$100,000 sam grant from Senator Panepinto's office for the Intermodal Hub. So we are about halfway there towards Phase 3 completing the Intermodal Hub. On March 1, we go for pretty much the rest of the money through the Greenway Commission to be able to start that project. Senator Schumer is going to be in the area on the 18th. Hopefully, I can steer him into the City of Tonawanda to talk about a few issues, mainly Gastown, the coal tar and the break wall down behind River Edge, two major concerns. Here in the city where agencies are looking to skirt their responsibilities and leave it up to City taxpayers to take care of stuff.

Council President Koch ó I want to thank Sam Hoyt and Lynn Marinelli. I reached out to them last week and asked if they would consider or help and assist in lighting the Peace Bridge. I am proud to announce that they certainly delivered and on February 27, they will light the Peace Bridge in recognition of all those who are battling brain cancer. So if you are driving by please take a nice picture of that. I appreciate all the help in making this happen. I echo the sentiments that the Mayor and the Council have for our first responders. Thank-you very much. DPW, I was watching this morning in bitterly cold, they were handling those totes and everything very well. I appreciate that. I want to respond to Ms. Casal and I appreciate her comments. You know I have lived in the City of Tonawanda my entire life. My grandparents lived here. In fact, my grandmother was on the opposite the aisle of Ms. Syposs many years ago. There are very few people that will sit in this chair and sit to the right of me. I'm proud to call Ms. Syposs a friend, confidante. She has done wonderful things for the City. Whether you agree with her politically or not, her resume speaks volumes. In all reality, we received one letter of interest for this position and that was from Ms. Syposs. Our Clerk serves at the pleasure of the council. At anytime, anybody

can submit a letter of resume to be appointed to any board or committee that we have running. I appreciate what you said. We can agree to disagree.

Lynn Casal, 69 Grant Street- It would have been nice to get a copy of the resume.

Council President Koch- I am not here to debate that. I will certainly get you a copy of that. She has nineteen years of management experience. She has budget oversight. She was on the Charter Review Commission. She supervised forty-five employees. I will match her resume to anyone that was interested in this position. You know what, give it a chance. That is all I have.

ADJOURNMENT

49. By Council seconded by Council
Resolved, that this Common Council adjourn until March 1, 2016.

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

Resolution declared adopted

City Clerk

Mayor

Date Filed