

Council Chambers  
Tonawanda, New York  
February 17, 2015

A Regular Meeting of the Common Council

Present: Council President Zeisz

Present Councilmembers: Gilbert, Smilinich, Hall, Koch

Pledge of Allegiance led by Council President Zeisz

Prayer led by Fire Chaplain Sam Ciffa

**COMMUNICATIONS FROM THE MAYOR**

A letter to Alice Roth, 60 Morgan Street, dated February 12, 2015, reappointing her to the Planning Board, term to expire December 31, 2019.

A letter to Erik Lindhurst, 154 Adam Street, dated February 12, 2015, appointing him to the Planning Board in an advisory role until February 12, 2020.

A letter from City Engineer Jason J. LaMonaco, P.E., dated January 9, 2015, regarding 299 Main Street (Clint Small Stadium).

A letter from James Deacon, Maintenance 1 Worker for the City of Tonawanda, dated February 11, 2015, informing the City that his last day of work will be March 13, 2015.

Ordered filed

**COMMUNICATION FROM CITY OFFICIALS AND CORRESPONDENCE**

The following monthly reports were received by the City Clerk:

January Report of the Building Inspector

January Activity Report of the Fire Department

January minutes of the Planning & Zoning Board

January minutes of the Plumbing Board

January minutes of the Traffic and Safety Advisory Board

Referred to the Committee of the Whole

Ordered filed

A letter from Dennis Kluge, 309 Rogers Avenue, dated February 11, 2015, asking to be considered for the open position on the Board of Assessment Review.

Referred to the Committee of the Whole

A letter from Shirley Conley, 373 Broad Street, dated February 16, 2015, asking to be considered for the open position on the Board of Assessment Review.

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**

City Treasurer, Joe Hogenkamp ó I feel a little obligated to do a little explanation on the bonding resolution for the sewer projects. That is something that is a culmination of where we want to head with, how we're gonna finance these projects. Going forward, there's an agency in New York State called New York State Environmental Facilities Corporation, EFC, and they subsidize interest rates for clean water, clean sewer projects. We financed sewer projects in the past with them, we financed the closure of our landfill with them, so you go out on the open market and maybe you can get 4% long term financing, EFC subsidizes that so you finance their projects for 2%, half of that. So, for long term, it's gonna save us a lot of money. There're a lot of conversations over the past few days between our bond council, EFC people, in terms of what they would allow in. Jason LaMonaco was involved in a lot of those discussions. This is just kind of trying to restate what we're doing to kind of pacify and satisfy EFC to qualify us to get these things in long term and to save the City a lot of money.

### **MOTIONS AND RESOLUTIONS**

20. By Councilmember Smilinich seconded by Councilmember Koch  
Resolved, that the Common Council minutes from February 3, 2015, be accepted as filed.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz  
Nays: None

Resolution declared adopted

21. By Councilmember Gilbert seconded by Councilmember Koch  
Resolved, that the bills be allowed as audited and the City Clerk be directed to draw warrants on the Treasurer for the various amounts.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz  
Nays: None

Resolution declared adopted

22. By Councilmember Gilbert seconded by Councilmember Smilinich  
WHEREAS the City of Tonawanda entered into an Order on Consent with the New York State Department of Environmental Conservation to abate sanitary sewer overflows (SSO) from its collection system; and

WHEREAS GHD Consulting Services Inc. (GHD) has reviewed the above referenced actions in relation to the New York State Environmental Quality Review Act (SEQRA) regulations (6NYCRR Part 617), and has found said actions to comply with 617.2 (a&j) and 617.5 (c) (29); and

WHEREAS under 617.5 (c) (29) and they are, specifically required to be undertaken pursuant to a judgment or order, said actions are classified as Type II Actions; and

WHEREAS Type II Actions have been, determined not to have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, article 8.

NOW THEREFORE BE IT RESOLVED THAT THE ABOVE ACTIONS ARE DECLARED TYPE II ACTIONS BY THE CITY OF TONAWANDA COMMON COUNCIL.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz  
Nays: None

Resolution declared adopted

23. By Councilmember Gilbert seconded by Councilmember Hall  
Resolved, at the recommendation of the City Engineer, Jason J. LaMonaco, P.E., that award of the contract for groundwater sampling services for 153 Fillmore Avenue be made to GHD Consulting Services, Inc., at a cost not to exceed \$14,000.00.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz  
Nays: None

Resolution declared adopted

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

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz  
Nays: None

Resolution declared adopted

25. By Councilmember Koch seconded by Councilmember Gilbert  
WHEREAS, on January 29th the Erie County Legislature passed a Resolution to retain Sunnking Electronics Recycling to provide recycling services associated with the collection and recycling of residentially generated electronic waste for Erie County; and

WHEREAS, Erie County has directed that any municipality, located within the County that decides to and intends to utilize the benefits of this Contract with Sunnking Electronics Recycling, must have their Municipal Board or Common Council's approval prior to the use of the Contract; and

WHEREAS, the City's Superintendant of Public Works, Joe Warthling, has recommended, to Mayor Rick Davis and the Members of the Common Council that a Contract with Sunnking Electronics Recycling to provide recycling services associated with the collection and recycling of residentially generated electronic waste, would in fact be a benefit to the City;

NOW THEREFORE, BE IT RESOLVED that the Common Council hereby authorizes the City of Tonawanda to retain the services of Sunnking Electronics Recycling to provide recycling services associated with the collection and recycling of residentially generated electronic waste for the residents of the City; and

BE IT FURTHER RESOLVED that Mayor Rick Davis is hereby authorized and directed on behalf of the City to execute any and all documents necessary regarding this Contract.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz  
Nays: None

Resolution declared adopted

26. By Councilmember Hall seconded by Councilmember Smilinich  
Be it resolved, that all of the parking violations, which are set forth on the City of Tonawanda's current parking tags, which provide for fines in the amount of \$20.00 shall be amended to reflect a fine increase to \$30.00 and be it further

Resolved, that handicap parking violations, which currently provide for a fine in the amount of \$50.00 plus a \$30.00 surcharge, shall be amended to reflect a fine increase to \$75.00 plus a \$30.00 surcharge, effective April 1, 2015.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz  
Nays: None

Resolution declared adopted

27. By Councilmember Hall seconded by Councilmember Gilbert  
 Whereas, Hunt & Associates 03 LLC has filed a petition with the City Clerk on September 18, 2014, to amend the Zoning District Map regarding a certain parcel of land located at 80 Clinton Street, and  
 Whereas, said Petition was submitted to the Common Council for its consideration and  
 Whereas, the present zoning classification of the subject parcel of land is R-2 General Residence District and the Petition requests a rezoning to classification R-C Residential Restricted Business District and  
 Whereas, the Common Council requested the Planning and Zoning Board to review the Petition and make a recommendation and  
 Whereas, the Board conducted a Public Hearing on December 2, 2014, regarding the same and  
 Whereas, the Board has recommended that this Common Council approve the request to rezone the classification R-C Residential Restricted Business District and  
 Whereas, the Common Council, pursuant to New York State General Municipal Law Section 239(m), referred the proposed rezoning request matter to the Erie County Division of Environment and Planning for its review and recommendation and  
 Whereas, the Erie County Division of Environment and Planning responded by indicating that the proposed action has been reviewed and determined to be of local concern ó therefore it has no recommendation and  
 Whereas, a SEQR has been completed and a determination was made that the proposed action will not result in any significant adverse environmental impacts, now, therefore be it  
 Resolved, that the premises at 80 Clinton Street be rezoned from classification R-2 General residence District to classification R-C Residential Restricted Business District and be it further  
 Resolved, that the Zoning Map shall be amended accordingly.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz  
 Nays: None

Resolution declared adopted

28. By Councilmember Smilinich seconded by Councilmember Koch  
 Resolved that Jason J. Balling, Stephen D. Bentley, Matthew P. Burke, Jamin J. Butcher, Robert L. Clontz, Fredric F. Foels, Philip L. Hankinson, Thomas C. Harmon, Eric C. Johanson, Thomas B. Kitson, Jr., David J. Kraft, Bryan C. Lavey, David B. Ljiljanich, Vincent K. Ostorowski, Joseph R. Rank, David J. Ray, Michael E. Rogers, Brian J. Scarpena, Joseph Scarpena, Nathan J. Schultz, Scott A. Sheehan, Timothy J. Stuart, Kevin A. Ulmer, Mathew L. Wark, Frank E. Washburn, Jr. and Monica Ljiljanich be appointed Commissioners of Deed, term to expire December 31, 2016.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz  
 Nays: None

Resolution declared adopted

29. By Councilmember Koch seconded by Councilmember Gilbert  
 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: Martin K. Hall (Marty Hall's Plumbing & Heating, Inc.) and Jaysen Bryk (H.W. Bryk & Sons, Inc.).

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz  
 Nays: None

Resolution declared adopted

30. By Councilmember Koch seconded by Councilmember Hall  
 Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk for Green Beer Sunday 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 Police Captain Fred Foels and the event chairperson, now, therefore be it

Resolved, that permission be granted to Gateway Harbor to hold the Green Beer Sunday event on Sunday, March 1, 2015, and be it further

Resolved, that any overtime that is incurred during this event will be paid for by Gateway Harbor and be it further

Resolved, that a Certificate of Insurance naming the City of Tonawanda as additional insured be filed with the City Clerk no later than February 25, 2015.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

31. By Councilmember Gilbert seconded by Council President Zeisz

Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk for Heroø Run 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 Police Captain Fred Foels and the event chairperson, now, therefore be it

Resolved, that permission be granted to WNY Boot Camp Foundation to hold Heroø Run on November 7, 2015 and be it further

Resolved, that any overtime that is incurred during this event will be paid for by the WNY Boot Camp Foundation and be it further

Resolved, that a Certificate of Insurance naming the City of Tonawanda as additional insured be filed with the City Clerk no later than October 16, 2015.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

32. By Councilmember Smilinich seconded by Councilmember Koch

**AN AMENDING, RESTATING AND CONSOLIDATING BOND RESOLUTION, DATED FEBRUARY 17, 2015, OF THE COMMON COUNCIL OF THE CITY OF TONAWANDA, ERIE COUNTY, NEW YORK (THE "CITY"), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT INVOLVING THE CITY'S SEWER SYSTEM IN RESPONSE TO NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION ORDER ON CONSENT #R9-20090408-23, AT AN ESTIMATED MAXIMUM COST OF \$11,753,000, AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE CITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$11,753,000, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE CITY TREASURER.**

WHEREAS, the New York State Department of Environmental Conservation issued Order on Consent #R9-20090408-23 requiring certain specified work on the City's sewer system; and

WHEREAS, the City has been in the process of undertaking this large required capital improvements project through a series of authorizing resolutions in phases; and

WHEREAS, in light an attractive funding opportunity through the New York State Environmental Facility Corporation (øEFCö) the City has determined that there should be a single consolidated bond resolution covering the work previously authorized and the work anticipated in the near future; and

WHEREAS, the City has determined that it is appropriate to amend, restate and consolidate the prior bond resolutions (as hereinafter defined) and to expand the scope thereof to include the future work described above; and

WHEREAS, the City has previously issued bond anticipation notes pursuant to some of the below-referenced prior bond resolutions, but has not yet entered into permanent financing arrangements (i.e., the issuance of long-term serial bonds); and

WHEREAS, on March 20, 2012, the Common Council of the City adopted a bond resolution authorizing a capital improvements project to involving the sewer system (öPhase 2ö) at an estimated maximum cost of \$3,250,000 and authorizing the issuance of serial bonds of the City in an aggregate amount not to exceed \$3,250,000 (the öPhase 2 Bond Resolutionö); and

WHEREAS, on April 16, 2013, the Common Council of the City adopted an amending bond resolution amending a bond resolution of the City adopted on March 20, 2012, authorizing the planning for a capital improvements project involving the sewer system (öPhase 3ö) and increasing the maximum cost of the project from \$180,000 to \$260,000 and authorizing the issuance of serial bonds of the City in an aggregate amount not to exceed \$260,000 (the öPhase 3 Bond Resolutionö); and

WHEREAS, on April 16, 2013, the Common Council of the City adopted a bond resolution authorizing the planning for a capital improvements project involving the sewer system (öPhase 6ö) at an estimated maximum cost of \$175,000 and authorizing the issuance of serial bonds of the City in an aggregate amount not to exceed \$175,000 (the öPhase 6 Bond Resolutionö); and

WHEREAS, on February 18, 2014, the Common Council of the City adopted an amending bond resolution amending and restating a bond resolution of the City adopted on April 16, 2013, authorizing the planning for a capital improvements project involving the sewer system (öPhase 4ö) and increasing the maximum cost of the project from \$175,000 to \$235,000 and authorizing the issuance of serial bonds of the City in an aggregate amount not to exceed \$235,000 (the öPhase 4 Bond Resolutionö); and

WHEREAS, on February 18, 2014, the Common Council of the City adopted a bond resolution authorizing the investigation, planning and design for a capital improvements project to the sewer system (öPhase 5ö) at an estimated maximum cost of \$235,000 and authorizing the issuance of serial bonds of the City in an aggregate amount not to exceed \$235,000 (the öPhase 5 Bond Resolutionö); and

WHEREAS, the Phase 2 Bond Resolution, Phase 3 Bond Resolution, Phase 6 Bond Resolution, Phase 4 Bond Resolution, and the Phase 5 Bond Resolution are hereinafter referred to collectively as the öPrior Bond Resolutionsö; and

WHEREAS, the City wants to authorize additional work for the Consolidated Project; and

NOW, THEREFORE, BE IT RESOLVED, by the Common Council (by the favorable vote of not less than two-thirds of all the members of the Council) as follows:

SECTION 1. The City is hereby authorized to undertake a capital improvements project involving the City's sewer system in response to New York State Department of Environmental Conservation Order on Consent #R9-20090408-23, such work to generally include (but not be limited to) the reconstruction of and construction of improvements to the sewer system including all preliminary work and necessary equipment, materials, and site work as well as other such improvements as more fully identified in Engineering Reports prepared with the assistance of the City Engineering Department, all of the forgoing to include all necessary equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the öPurposeö). The estimated maximum cost of such Purpose is \$11,753,000.

SECTION 2. The Common Council plans to finance the estimated maximum cost of such Purpose by the issuance of serial bonds in an aggregate amount not to exceed \$11,753,000 of the City, hereby authorized to be issued therefor pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such improvement is to be paid by the levy and collection of taxes on all real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that such Purpose is an object or purpose described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such Purpose is 40 years. The Common Council has further determined that the period of probable usefulness for such Purpose will not extend beyond June 14, 2052.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will exceed five years.

SECTION 6. The faith and credit of the City are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the City a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of such notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Common Council pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of the sale of such bonds, and the renewals of such notes, are hereby delegated to the City Treasurer, the chief fiscal officer of the City. Without in any way limiting the scope of the foregoing delegation of powers, the Treasurer, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the City.

SECTION 8. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The City then reasonably expects to reimburse any such expenditures for a particular phase of the Project (to the extent made after the date of the bond resolution relating to such phase (or within 60 days prior thereto) with the proceeds of the bonds authorized for such phases by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute a reaffirmation of the City's original declaration, (in the original bond resolutions for the various phases) of its official intent to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2

SECTION 9. The City Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The City Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance

with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The City has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (öSEQRAö), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

SECTION 12. The City Treasurer is hereby authorized to execute and deliver in the name and on behalf of the City a project financing agreement prepared by the New York State Environmental Facilities Corporation (öEFCö) (the öSRF Project Financing Agreementö). The City Treasurer and the City Clerk and all other officers, employees and agents of the City are hereby authorized and directed for and on behalf of the City to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the SRF Project Financing Agreement.

SECTION 13. In the absence or unavailability of the City Treasurer, the Deputy Treasurer is hereby specifically authorized to exercise the powers delegated to the City Treasurer in this resolution.

SECTION 14. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the City is not authorized to expend money, or

(b) if the provisions of the law which should be complied with as of the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication, or

2. such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 15. The City Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the City and hereby designated as the official newspaper of the City for such publication.

SECTION 16. Nothing in this amendment shall affect the validity of the Prior Bond Resolutions, or any actions taken thereunder, and any such actions are hereby ratified.

SECTION 17. The provisions of the Prior Bond Resolutions, to the extent not explicitly superseded by the terms hereof, are hereby reaffirmed and incorporated herein by this reference.

SECTION 18. This Resolution is effective immediately.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted



33. By Councilmember Smilinich seconded by Councilmember Koch  
Resolved, that Shirley Conley, 373 Broad Street, be appointed to the Board of Assessment Review, term to expire September 30, 2020.

Councilmember Hall ó I have nothing against the recommendation but unfortunately, Iøve never met this woman, I donøt know her, so therefore, Iøll be voting no on this.

Ayes: Smilinich, Koch, Zeisz

Nays: Gilbert, Hall

Resolution declared adopted

34. By Council President Zeisz seconded by Councilmember Koch  
Resolved, that in recognition and compliance with the øNew York State Open Meetings Lawø, 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 a particular person.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

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- *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 FROM THE PUBLIC AFTER RESOLUTIONS**

Dave Pfaff - I just wanted to take this opportunity. My name is Dave Pfaff. I know many of you. Iøm the new Community Affairs Representative for Senator Panepinto. I sat down with the Mayor already, like I said, I know many of you from my years in Tonawanda. As soon as I have business cards, youøll all get one, and if you have any issues or concerns, please feel free to bring it to our attention. Thanks very much.

#### **COMMENTS FROM THE COUNCILMEMBERS AFTER RESOLUTIONS**

Councilmember Gilbert ó I just wanted to reiterate what Mr. Hall said, that just based on just getting the letter tonight about Mrs. Conley, is one of the reasons I voted no for tonight.

Councilmember Smilinich ó It recently came to me through a phone call that the taxes that were sent out were erroneous and some people have been charged twice, some people have been overcharged? No? Help me here. Joe explained this to me and it took him 40 minutes to explain it to me.

City Treasurer Joe Hogenkamp ó Here's what happened. We send out three property tax bills a year and from the time that I started until now, it's become a lot more automated. Approximately, there are 6,000 accounts, there are 6,000 properties in the City of Tonawanda, residential properties, maybe 5,800, 5,900. I would say about 2,000 of those properties, their property taxes are escrowed which means that people pay their banks once a month for their mortgage, combined amount mortgage and the escrow for their taxes and three times a year, the banks send us the money for everybody's property taxes. Today was the last day for county tax. April, City tax and September is the school tax. Well, there's one company that's the predominant third party administrator for banks, for escrows called Core Logic. Core Logic is the middleman between the banks and the treasurers and tax collectors, so what happens is, when I say it's automated, when we set up our tax rolls three times a year, we send Core Logic a huge file, a file of everything and they have a way of picking off the information and telling the banks that they deal with, Core Logic works for all the banks, they work for HSBC, M&T, Chase, they work for all these banks. So when we send Core Logic the file and they take the information and they give it to their clients, the clients give Core Logic the money for the taxes and Core Logic sends the City the money. Typically, I try to send that file out as soon as I can because I try to get the money as soon as I can, not so much for earning interest, I mean that's one thing, but to avoid the duplicate payments because a lot of time, properties are closing, attorneys are paying ahead of time, so you try to avoid duplicate payments because then it's a problem dealing with refund's due. For the School tax last year, I sent Core Logic a file, probably around middle of August and I guess in a way, you think that they've gotten the information and they're working with it, a lot of times they'll come back and double check ten properties, just a random sample to make sure everything's right. Well probably midway through that collection, like the middle of September, I was having, I would be, not that I answer the phone all the time but there's times I'll take calls from different people because I'm the only one that's available to take the call and it was kind of starting to ring in my head that people were working with bad information and people were saying, well this is what the bill is and I would look and say well that's not what the bill is, that was last year's bill. So I kind of discovered that Core Logic put out the 2013 file to all of their clients, they were putting out bad information, so these banks were sending Core Logic the wrong money and I could see that was gonna be a problem, so I told Core Logic, I'm not going to accept the wrong information, and the wrong money and then figure out what half of them would be over, half would be short. This was during the whole, we had a re-val too so people's assessments were changing and so I told them, you gotta make it right, I'm not going to accept the wrong information, so in Core Logic making it right, I think a lot of banks cut the wrong check first and then cut the right check second, so there's people that had their escrows hit twice and hopefully, they got the wrong amount back into their escrow account. There's no way I can guarantee that but it's still confusing and what Jackie is referencing is, one constituent called because money went back into her account and somehow, somebody told them I bounced a \$100.00 check on them and they were being charged \$20.00. I did talk to the bank for that person because the husband was able to get through to somebody and they called me but that's exactly what happened. So if you're somebody, I guess the morale of the story is, if you're somebody out there whose taxes are escrowed, look and make sure that your escrow account only got hit once for last year's school tax.

Councilmember Smilinich ó And that's what I was going to say, that please go back and look at your escrow. If you have escrow, make sure that it's only been taken out one time and was for the correct amount. If not, don't call the treasurer. You have to go back to your escrow holder, so that would be your mortgager.

Councilmember Hall ó The only thing I have to say is it was a great job by all the departments in this cold weather and all this snow. We've run out of places to put it. I understand but DPW's done a great job out there, Fire, I saw them out shoveling out Fire

hydrants, Police out there doing their job in this bitter cold and just a good job to everybody in the City.

Councilmember Koch ó Id like to echo the same compliments that Councilmember Hall had, great job to our City workers. Special congratulations to the Wall of Fame, Class of 2015. I attended a wonderful event last Tuesday and Id like to thank the Wall of Fame Committee and opening up the doors to the City and putting the spotlight on these four individuals that were inducted, a great event, so thank you to them again. Last week I attended an event at Riverview for their Leadership Day. Id like to thank the staff and the students for putting on such an amazing program. It was truly an honor to be there and it was wonderful to see the creativity with these students. I know that there was a young student who was dressed in a cardboard TV and she was a meteorologist. The City of Tonawanda is certainly in good hands with our future leaders, so thank you to our Riverview for that. This Thursday, Councilmember Smilinich and I will be hosting our next Council on Your Corner. It will be at the Senior Citizens Center at 6:00 PM. If youre available, stop on by. This is a wonderful opportunity to ask your questions, share your ideas with us, and so we hope to see you there. And finally, I talked about the Amanda Hanson Foundation, et nauseam, at some of these Council meetings and since our last meeting, theyve installed two new furnaces in the City of Tonawanda and Id like to thank them for all they have done in the City. Since December 23<sup>rd</sup>, theyve installed four furnaces and one hot water tank, and Id like to thank them for all they do for the City and for the Western New York region.

Councilmember Hall ó Id like to add just one thing, Jenna might be too proud to say it, on that Wall of Fame induction, her sister was one of the four people who were inducted who I had the pleasure of coaching too, so congratulations to her sister and the whole Koch family.

Mayor Davis ó Id like to just add to Councilwoman Kochs et nauseam comments about Amanda Hanson Foundation. The latest furnace that was replaced was a classic example of somebody that was looking to try to save a few dollars by hiring a contractor that was not licensed to install the furnace and/or the vent leading out of the house. I cannot trust enough, I know times are tough, I know moneys hard to come by but anything in your house, especially anything dealing with carbon monoxide, I would stress people use licensed contractors on this equipment, to replace it, to inspect it. This is something that could have ended very badly had the family waited another day or two. So my hats off to the Amanda Hanson Foundation and I do have our first homework assignment for our new Building Inspector is to research what other municipalities have done to try to protect residents against unlicensed HVAC people from working on furnaces. I, too, would like to thank our City workers. I mean, its been brutal out there, we dont get above freezing Saturday, I dont think well get above freezing until March 2<sup>nd</sup>, so hats off to the Fire Department, Police Department, DPW for doing a great job in the inclement weather. Id like to thank Chaplain Ciffa for his words. He always knows how to put things into perspective and makes you think about things a little further. Ms. Koch commented about Leadership Day at Riverview, it was great and I did get a kick out of the meteorologist, a little girl that dressed up like a meteorologist. Id also like to thank Mullen for inviting me into their morning announcements, talking to students about following your dreams and never giving up.

Council President Zeisz ó Talking about the weather, I think we just need to blame you.

Mayor Davis - Im marketing, not distribution.

Council President Zeisz - Thank you everyone for coming out on this balmy evening. I think its about 11 degrees tonight. So have a great night, thanks for coming, well see you again and God Bless you.

**ADJOURNMENT**

35. By Councilmember \_\_\_\_\_ seconded by Councilmember \_\_\_\_\_  
Resolved, that this Common Council adjourn until March 3, 2015.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date Filed