

Council Chambers
Tonawanda, New York
February 7, 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

Prayer by Associate Chaplin Dave Nedell

COMMUNICATIONS FROM THE MAYOR

Communication from Kenneth J. Swanekamp, Director of Business Assistance with Erie County Department of Environment and Planning with his review and questions re: the Event Center and Mixed Use Development proposed at the Spaulding Site

Executed Contract with David Home Builders, Inc for the Sale of Land for Private Development know as Little League

Letter to Mark Warren reappointing him Chairperson of the City Planning and Zoning Board

COMMUNICATIONS FROM CITY OFFICIALS AND CORRESPONDENCE

2016 Annual Report of Total Salaries Paid from City Treasurer Joseph Hogenkamp

2016 Activity Report of the Tonawanda Fire Department

Report and recommendation from the Dog Control Officer recommending City amend code to limit households to three Dogs.

Letter from City Engineer Jason LaMonaco with recommended resolution for agreement with ECWA for reimbursement of replacement of water line for Intermodal Hub/ Koenigs Alley

Request from City Assessor Judy Tafelski requesting continuation of Stipend for Chris Hamiester

Letter from City Treasurer Joseph Hogenkamp requesting retaining Drescher & Malecki, LLP be retained to perform annual audit for the City

Shared Service Agreement for Stormwater Management Coordinator submitted by City Engineer Jason LaMonaco

The following monthly reports were received by the City Clerk:

January 2017 Minutes of the Traffic and Safety Advisory Board

January Report of the Building Inspector

January Report of the City Clerk

Referred to the Committee of the Whole
Ordered filed

COMMENTS BY THE PUBLIC ON RESOLUTIONS

No Comments from the Public

The Tonawanda Common Council, in an effort to conduct business in a timely fashion and maintain an open line of communication with the public, welcomes comments on resolutions and other City business.

- Persons wishing to speak and be recognized by the President of the Common Council are to be courteous, respectful, non-repetitive and brief.
- All questions and/or comments should be addressed to the President of the Common Council.
- Please state your name and address clearly for inclusion in the Common Council minutes. In the event any person wishes a response outside the confines of the Common Council meeting, please leave all necessary contact information with the City Clerk after the meeting.

- Persons may address the Common Council during (2) separate sessions of the meeting for a total of 30 minutes per session. Once prior to the resolutions and also after the resolutions prior to Common Council comments.
- Individuals may speak a total of (3) minutes per speaker per session. The President of the Common Council will adhere to this (3) minute guideline in an effort to allow everyone an opportunity to speak who wishes to do so.
- The President of the Common Council reserves the Council's right to limit or expand upon these limits as he/she may deem necessary and prudent.
- Usage of cell phones other than for emergency is prohibited during all Council Sessions.

MOTIONS AND RESOLUTIONS

17. By Councilmember Gilbert seconded by Councilmember Rautenstrauch

Resolved, that the Common Council minutes from January 17, 2017 be accepted as filed.

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

Resolution declared adopted

18. By Council seconded by Council

Whereas, the City of Tonawanda is in a shared service agreement with The Town of Grand Island and the Town of Tonawanda for Assessor Services and

Whereas, City Assessor Judy M. Tafelski, divides her time between the three entities and is in Tonawanda one day and one half day per week which requires Christine Hameister, Account Clerk Typist to function independently and

Whereas, Assessor Judy Tafelski has requested continuation of a stipend for Christine Hameister;

Now, therefore be it resolved that an annual stipend of \$4000.00 for Account Clerk Typist Christine Hameister be approved effective January 1, 2017.

Councilmember Gilbert- Madam President? Was this accounted for in the budget?

Council President Koch- Yes it was.

Councilmember Smilinich- Madam President, I would just like to say that Christine well deserves the \$4,000. When I sat with her she took a half an hour explaining things to someone that I know the other day and it's really appreciated.

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

Resolution declared adopted

19. By Councilmember Rautenstrauch seconded by Councilmember Gilbert

Whereas, a Special Events application were received by the City Clerk for a Community Day from Team Up to Clean Up

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 of the above named event must be coordinated with Parks and Recreation Director Amanda Lofft and the event Chairperson, now, therefore be it

Resolved, that permission be granted to the Team Up to Clean Up to hold a Community Day at the Millstream Community and Educational Gardens including a Petting Zoo, crafts and games and hot dog sale Saturday, June 3rd, 2017 from 11 AM till 2 P.M.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

20. By Councilmember Toth seconded by Councilmember Rautenstrauch
Resolved, that the reading of the rest of the resolutions be waived.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

21. By Councilmember Gilbert seconded by Councilmember Toth

Resolved that Patricia S. Dudek be named Commissioner of Deeds for the City of Tonawanda, term to expire December 31, 2018

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

22. By Councilmember Smilinich seconded by Councilmember Gilbert

Resolved, at the recommendation of City Engineer Jason J. LaMonaco, P.E., that Council authorizes and directs the Mayor to enter into Municipal Agreement with the Erie County Water Authority to allow for reimbursement of costs associated with the waterline replacement on Koenig Alley.

Funding/Fiscal Impact: up to \$234,000 reimbursement from ECWA

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

23. By Councilmember Gilbert seconded by Councilmember Smilinich

Whereas, Mayor Rick Davis has, at the request of the Common Council, negotiated a proposed Land Acquisition Agreement/Contract for Sale of Land for Private Development with David Home Builders, Inc. regarding the development of approximately a 14 acre portion of land commonly referred to as the Little League Drive Subdivision; and

Whereas, the City Attorney recommends that the City retain the services of the law firm, Hodgson Russ, LLP, to review the proposed Agreement and to assist the City in its negotiations in an effort to reach a final Agreement with David Home Builders, Inc.;

Now, Therefore be it resolved that the law firm of Hodgson Russ, LLP is hereby retained by the City to review the proposed Land Acquisition Agreement/Contract for Sale of Land for Private Development with David Home Builders, Inc and to assist the City in its negotiations in an effort to reach a final Agreement with David Home Builders, Inc., together with all matters related thereto.

Councilmember Toth- I just want to thank the Mayor for the negotiations on this and also thank you for pointing me to land sales as I was very vocal with the outset of this project. Working with Mr. Stapleton and working with the residents along Fletcher Street to try and make sure that their concerns were all heard and not certainly changed my opinion of this project. We do still have a long way to go on this. There is a lot of work that needs to be done but I am confident that Mr. Stapleton is going to abide by the wishes of the residents along there and become a good neighbor for the City. I just wanted again to thank you for all the work and the effort that is put into this.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

24. By Councilmember Toth seconded by Councilmember Gilbert

Resolved, that the Mayor be authorized and directed to sign an agreement with Drescher & Malecki, LLP to perform the annual audit of City finances for the fiscal year ended 12/31/2016 for a fee not to exceed \$18,850.

FISCAL IMPACT \$18,850 GENERAL FUND 2017 Operating Budget

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

25. By Councilmember Smilinich seconded by Councilmember Toth

Resolved, The City of Tonawanda Common Council has reviewed the proposed Inter-Municipal Shared Service Agreement between the City of Tonawanda and Niagara County for Stormwater Management Coordinator services, approves the terms and conditions in that Agreement, approves providing Stormwater Management Coordinator services to Niagara County for the sum contained in the Agreement and authorizes the Mayor to execute said Agreement.

Funding/Fiscal Impact: \$42,000 from Niagara County to the City of Tonawanda Engineering Department for services rendered

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

26. By the Council seconded the by Council

Be it resolved the Mayor Rick Davis be authorized to sign and execute all agreements pertaining to the Zombie and Vacant Property Remediation/Prevention Initiative.

Councilmember Gilbert- Madam President? This is a little vague so can we get an explanation on what exactly this entails?

Council President Koch- This resolution is to execute the grant of which we will receive \$150,000, \$30,000 of that is to go to the Western New York Law Center and this will include hiring housing stock, purchasing of equipment, and a part-time code enforcer.

Councilmember Gilbert- Thank-you Madam President.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

COMMENTS BY THE PUBLIC AFTER RESOLUTIONS

No Comments from the Public

COMMENTS BY THE COUNCILMEMBERS AFTER RESOLUTIONS

Councilmember Gilbert- I just want to continue on what Mr. Toth had said. Former Mayor Pillozzi is here, former Councilmember Boyle is here and they remember about eight years ago we started putting the process together with another builder and it's been a long eight years. I know there is still a long way to go. It's very encouraging to see new development in the City. I have already had people in my ward come up to me and say they are very interested in this housing deal and that they are looking into contacting David Homes to build in that site. It's a long time coming and I'm glad we're finally here and one step closer.

Councilmember Smilinich- I have nothing.

Councilmember Rautenstrauch- I have nothing.

Councilmember Toth- Nothing more Madam President.

Council President Koch- I want to thank the 53 people who registered for the Narcan Class that we had several weeks ago. We will be doing the training again soon. I want to thank Cheryl Moore from Erie County for all her efforts and I want to thank Senator Jacobs for attending. Just a reminder that there will be a presentation from the Citizens Science Community Resources to discuss the soil study for Tonawanda Coke and UB Health Study that will be at City Hall on February 16 from 6:00 P.M. to 8:00P.M. So, I would encourage you all to attend and with that said, we will be meeting in the Caucus for a little bit and have a great evening.

ADJOURNMENT

27. By Council President Koch

seconded by Councilmember Rautenstrauch

Resolved, that this Common Council adjourn until February 21, 2017.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

Deputy City Clerk

Mayor

Date Filed