

Council Chambers
Tonawanda, New York
July 7, 2015

A Regular Meeting of the Common Council

Present: Council President Zeisz

Present Councilmembers: Gilbert, Smilinich, Hall, Koch

Pledge of Allegiance and Silent Prayer led by Council President Zeisz

Certificates of Recognition
Student Liaisons to the Youth Board

Garrett Gardner

Ben Deacon

COMMUNICATIONS FROM THE MAYOR

COMMUNICATION FROM CITY OFFICIALS AND CORRESPONDENCE

The following monthly reports were received by the City Clerk:

May, June Executive Minutes of the City Clerk

May minutes of the Traffic and Safety Advisory Board

June minutes of the Board of Appeals

June monthly report of the Building Inspector

June monthly report of the City Clerk

City of Tonawanda Comprehensive Revenue & Expenditure Control

Report as of July 7, 2015

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.

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- *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.*
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COMMENTS BY THE PUBLIC ON RESOLUTIONS

Richard Goodman, 30 Minerva Street, President of Niagara Hose & Iron speaking on resolution #10. I am happy that the Council has finally voting for this, I am a little disappointed, I was kind of hoping they'd go for two vehicles with the report that the

mechanic had on the condition of the Pierce and the condition of Engine #1. It could be a substantial savings by buying the two, approximately \$50,000 off the top, and also with the age of the two and the condition of the Pierce engine that's in our hall at Engine #3, the way it's rotting out, mechanic's stated you're only gonna get a couple more years out of that. In the next year or two, diesel engines alone are gonna go up \$10,000 just for the engine because of the new emission regulations, so I'm glad you're doing what you're doing but I would have liked to see two.

Roger Puchalski, 478 Adam Street ó On item #4, the agreement with Smoke on the Water, is that licensing agreement the last I was told the City was getting no revenue from the establishment and it was for the life of the owner as long as he was running the establishment, is that correct?

Council President Zeisz - That is correct.

Roger Puchalski - Does the City have any other licensing agreement of discontinuing public streets or public property where the licensee is paying zero?

Council President Zeisz ó Yes, but nothing of this magnitude but we do have other situations.

Roger Puchalski ó Is the City licensing property and not getting revenue?

Council President Zeisz ó Yes.

Jim Weber, 278 Fletcher Street ó In regards to resolutions #3 and #4, this has been going on a really long time, you guys been trying to get this done. I really encourage you guys to vote öyesö on this. Let Smoke On The Water expand that parking lot, you've got a good solid business there, we've never had a good business in that location before, it brings a lot of people into this community, the residents of this community and some of these delayed tactics that some people have been using are just wrong and I just encourage you to vote öyesö on this.

MOTIONS AND RESOLUTIONS

173. By the Council seconded by the Council
Resolved, that the Common Council minutes from June 16, 2015, be accepted as filed.

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

Resolution declared adopted

174. By Councilmember Smilinich seconded by Council President Zeisz
Resolved, that the reading of all of the following resolutions be waived.

Ayes: Gilbert, Smilinich, Koch, Zeisz
Nays: Hall

Resolution declared adopted

175. By Councilmember Smilinich seconded by Councilmember Koch
WHEREAS, the title of this Resolution/Ordinance has been published at least once in a newspaper of general circulation, more specifically, The Buffalo News, on June 22, 2015 in accordance with Section 2.047 of the City Charter.

WHEREAS, within the City of Tonawanda there are many structures of historical and/or architectural importance and many other structures that are important to the character of these areas; and

WHEREAS, the City of Tonawanda seeks to ensure that the character and viability of its commercial areas and the character and quality of life of its residential neighborhoods are maintained and enhanced; and

WHEREAS, the removal of an existing structure may on its own or through a proposed reuse be detrimental to the commercial or neighborhood area within which it is found; and

WHEREAS, the City of Tonawanda will be initiating a more complete and in-depth review of its zoning ordinance, including structure demolition; and

WHEREAS, in the interim period (i.e. between now and Council's approval of a broader and more in-depth structure demolition policy for the City), it is critical that the City's commercial and residential areas are not altered by demolition, unless such demolitions are necessary for safety, health and welfare of the community (e.g. structural failure, mold infestation); and

WHEREAS, the enhanced structure demolition code is planned to be completed within 180 days;

NOW, THEREFORE, BE IT RESOLVED that Chapter 14 of the Code of the City of Tonawanda, entitled Buildings and Building Regulations, Article 6, Unsafe Buildings, Sec. 14-391, Repair, demolition or removal required, which now reads:

Repair, demolition or removal required.

All buildings or structures or any part thereof which become or are abandoned, dilapidated, deteriorated, decayed or unattractive from any cause so as to endanger the health, safety or welfare of the public shall be repaired, demolished or removed.

Shall be amended to read as follows:

Sec. 14-391

Repair, demolition or removal required.

- (a) All buildings or structures or any part thereof which become or are abandoned, dilapidated, deteriorated, decayed or unattractive from any cause so as to endanger the health, safety or welfare of the public shall be repaired, demolished or removed.
- (b) Prior to the demolition of any residential or commercial structure, with the exception of accessory structures, the owner of said property must obtain approval for such demolition from the City's Building Inspector and Engineer, substantiating that the demolition is necessary for safety reasons, i.e., it is in danger of collapsing, its continued use is not economically feasible due to extensive and embedded mold and/or it has been identified by the Fire Chief and/or Fire Prevention Officer as a fire hazard or immediate safety concern.

This provision shall remain in effect for 180 days from adoption by the Common Council, at which time it may be extended by the Common Council, with or without amendments. In the event this provision is not extended by the Common Council, it shall terminate.

BE IT FURTHER RESOLVED, that the above amendment shall take effect upon publication of its title in an official newspaper of the City of Tonawanda.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

176. By Councilmember Gilbert seconded by Councilmember Hall

Be It Resolved, that the City of Tonawanda hereby discontinues, as a public highway, a portion of Young Street; right triangular in shape, being approximately 120' by 76' by 76' which is located immediately adjacent to the current parking area of where the business, Smoke on the Water is located at 76 Young Street and be it further

Resolved, that the City of Tonawanda hereby authorizes Smoke on the Water, located at 79 Young Street, to alter said portion of Young Street for the purpose of installing and constructing a parking lot area in accordance with the terms of a proposed License Agreement.

Councilmember Smilinich ó As I stated earlier, I will be voting ðnoö on this, it has nothing to do with the owners of Smoke On The Water, itø for two reasons. One, we have residents in this City that cannot park in their own homes, driveways because they donø have them or whatever and the second one, I believe, this is setting precedence.

Council President Zeisz ó The only comment I wanted to make is that going back quite a number of years, actually when Ron Pillozzi was Mayor, one of things that was done with a firm called Wendel, there was a study done on use for Young Street and one of the things that came out of that was how could we make that intersection a four-way intersection and the one thing the Council talked about at the time was to eliminate that turn by Smoke On The Water. So, taking that property out of the driving lane preceded any conversations with Smoke On The Water as far as them getting additional parking. It was all based, at the time, on the City removing it from part of the roadway because of the issues that it created and I just wanted that to be out there because it ended up being something good that we could do for one of our businesses in the community. Unfortunately, too many times we lose sight of helping the people that are here, making money here, that are good for the City and this gives us an opportunity to do that.

Ayes: Gilbert, Hall, Koch, Zeisz
Nays: Smilinich

Resolution declared adopted

177. By Councilmember Gilbert seconded by Councilmember Hall
Be It Resolved, that Mayor Rick Davis is hereby authorized and directed to execute the proposed License Agreement between the City of Tonawanda and J and K Adventures, Inc., d/b/a Smoke on the Water, wherein the City authorizes Smoke on the Water to install and construct a parking lot area within a portion of Young Street, which is immediately adjacent to their current parking lot area for additional parking spaces for use by their patrons and be it further

Resolved, that a copy of the proposed License Agreement will be on file in the Office of the City Clerk.

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

Resolution declared adopted

178. By Councilmember Hall seconded by Councilmember Smilinich
WHEREAS, the title of this Resolution/Ordinance has been published at least once in a newspaper of general circulation, more specifically, The Buffalo News, on June 26, 2015 in accordance with Section 2.047 of the City Charter.

NOW, THEREFORE, BE IT RESOLVED that Chapter 62, TRAFFIC AND VEHICLES, Article 4. Stopping, Standing and Parking; Section 62-113. General Parking Restrictions, shall be amended to add a new subsection as follows:

- (f) *Parking unregistered and uninspected vehicles.* It shall be unlawful and in violation of this Section to park any unregistered or uninspected vehicle on any public street, parking lot or any other City property.

BE IT FURTHER RESOLVED, that the above amendment shall take effect upon publication of its title in an official newspaper of the City of Tonawanda.

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

Resolution declared adopted

179. By Councilmember Koch seconded by Councilmember Smilinich
Resolved, that the 2015 General Fund Budget be amended to account for Grant Funds received and expended in 2015 from the United States Department of Homeland Security for the Fiscal Year 2015 Port Security Grant.
EXPENSE 001-3120-202 Police Dept Equipment ADD \$3,247

REVENUE 001-0001-4002 Federal DHS Port Security Grant ADD \$3,247

NET BUDGET EFFECT -0-

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

Resolution declared adopted

180. By Councilmember Gilbert seconded by Councilmember Hall
Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk for a car wash 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 the Tonawanda High School Cheerleaders to hold a car wash at the Tonawanda Police Department parking lot on Saturday, July 18, 2015 from 10:30 A.M. to 2:30 P.M. 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 July 14, 2015.

Councilmember Gilbert ó This is a fund raiser for the Tonawanda Cheerleaders and I hope everybody will support them and go and get their car washed. Presale tickets are \$4.00 a piece and when you drive up, they're \$5.00. Please support the Tonawanda Cheerleaders.

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

Resolution declared adopted

181. By Councilmember Koch seconded by Councilmember Smilinich
Resolved, that Mayor Rick Davis be authorized to enter into an agreement with All Dogs Academy, 363 Delaware Street, Tonawanda, New York, 14150, and be it further
Resolved, the agreement shall commence on August 1, 2015 and automatically and continuously renew for each succeeding year until the City or All Dogs Academy provides written notice to the other, at least thirty (30) days prior to the commencement of the succeeding year and be it further
Resolved, a copy of said agreement shall be on file in the Office of the City Clerk.

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

Resolution declared adopted

182. By Councilmember Smilinich seconded by Councilmember Koch
Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk for A & E's filming at Niawanda Park and
Whereas, the application will be 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 the Director of Parks and Recreation, Amanda Lofft and the event chairperson, now, therefore be it
Resolved, that permission be granted to Kinetic Content to film a portion of "Married at First Sight", in Niawanda Park on July 9th or 10th, 2015 and be it further
Resolved, that any overtime that is incurred during this event will be paid for by the Kinetic Content, Los Angeles, California 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 July 8, 2015.

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

Resolution declared adopted

A BOND RESOLUTION, DATED JULY 7, 2015, OF THE COMMON COUNCIL OF THE CITY OF TONAWANDA, ERIE COUNTY, NEW YORK (THE "CITY"), AUTHORIZING THE ACQUISITION OF A FIRE-FIGHTING VEHICLE AND APPARATUS, AT AN AGGREGATE ESTIMATED MAXIMUM COST OF \$400,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$410,000 OF THE CITY, 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.

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 specific purpose (hereinafter referred to as "Purpose") to be financed pursuant to this resolution is the acquisition of a fire-fighting vehicle and apparatus, including preliminary costs and costs incidental thereto and in connection with the financing thereof. The estimated maximum cost of said purpose is \$410,000.

Section 2. The Common Council plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate amount not to exceed \$400,000 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 a class of objects or purposes described in subdivision 27 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such purpose is 20 years.

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 that 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 (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized 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 the declaration of the City's 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 may 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) 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 determined that the purpose will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") is required.

Section 12. 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 13. 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) the provisions of 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 14. 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 the 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 15. This resolution is effective immediately.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

184. By Councilmember Smilinich seconded by Councilmember Gilbert
Resolved, at the recommendation of the City Engineer, Jason J. LaMonaco, P.E., that award of the Young Street Pump Station Emergency Power Project construction be made to Goodwin Electric Corporation, at a cost not to exceed \$62,300.00.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

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COMMENTS FROM THE PUBLIC AFTER RESOLUTIONS

Council President Zeisz ó One thing I did want to point out before everyone takes off tonight, our next Formal Meeting, will be July 28th and that's due to Canal Fest which is two weeks from this week.

Natalie Owen, 14 Ilion Street ó Jenna Koch knows what I'm gonna be talking about, loose dogs in the City of Tonawanda. Tonawanda is not a walkable City at all when you have a dog on a leash. There are so many lose dogs that come out, not only me, a lot of people too, and attack their dog. There is a real problem here, the Dog Control Officer and the Police issue a summons, they go to court, they get an APB that's is. Why are we not doing automatic fines for dog licenses for the people who are in violation?

Council President Zeisz - It's up to the Judge. As a Council, whatever it might be, whether it's how much we're gonna charge for a parking ticket or how we're gonna handle unlicensed dogs, unleashed dogs, we put the law in but we are not the enforcing agent.

Natalie Owen - So there's not way, like in the Town of Tonawanda dog violation is a \$50 fine. I don't know if that is the court or if that's the actual town doing it, I haven't been able to find an answer and I don't know that you did Jenna. I take my dog as a taxpayer, I take my dog to the Town of Amherst, the Town of Tonawanda, Niagara County, to walk my dog safely on a leash. I'm a taxpayer and I'd like to have some safety.

Council President Zeisz ó I'd definitely look into it and if there's anything we can do, it will be something we'll talk about.

Natalie Owen - I've got my spray and everything else here.

Ken Clark, Hackett Drive ó I just want to know why you're putting back these stop signs back in everywhere, 3-way stops? You took them out, now you put them back. I don't understand it. There shouldn't be any 3-way stops anyway. It should be a 4-way stop or a 2-way stop, ok? The one at Tussing Drive, I go down there hundreds of times, you got a stop sign at Sutley Court. Hundreds of times, I see one car come out of here, once. Why does everybody have to stop all the time? You're impeding traffic.

Council President Zeisz - Well, the Council as a whole, whether it be the First Ward, Second Ward or Third Ward, or Fourth Ward, the feedback that they were getting, they felt inclined to decide to put the signs back.

Ken Clark - You could put down, have a stop sign and say "cross traffic does not stop" and people wouldn't come through. Put that in there. They don't know enough to stop. It's just ridiculous, you can't get anywhere, you gotta stop every block. That's a driveway, Sutley Court's is a driveway.

Council President Zeisz ó Just be nice, that's the street I live on. I think what happens and God knows I've been here long enough to know this, stop signs are, they're like stealing somebody's dog, when you take someone's stop sign, and in this particular case, I think what happened was the fervor on Fletcher turned into, well, I want my stop sign back and I want my stop sign back and there you have it.

Ken Clark ó You have to stop on Main Street has a stop on both side streets. It doesn't make any sense. It's a waste of time and gas and so on.

Council President Zeisz - I appreciate your comments, so thank you.

James Richards, 281 Fletcher Street ó Thank you for my stop signs back with the little signs on top that say "new stop signs". And also 77 Young Street which is Smoke On The Water, thank you for your votes first off, and second, I just want to clarify as far as the legal lease is concerned, the way the it's reading, my concern is that it doesn't give us rights to the property, nor does it give us rights upon the sale of our business whenever we should see fit and that's an issue for me considering the fact that I'm getting quotes back right now that are ranging between \$40,000 and \$80,000 and this is a big project and there's quite frankly, a lot of risk out there right now. With the amount of traffic that we're generating, the configuration of the small parking lot, the way that it is, trying to accommodate handicap people, as well as the sidewalk itself is in very, very bad repair, so my question is simply, we have no problem moving forward, we have four sets of plans and we are anxiously ready to get started but we need to know if we're gonna be guaranteed rights to that and that the next owner of the restaurant will also enjoy the same rights given our initial investment.

Council President Zeisz ó What I can tell you right now, I can't tell you, you know that that won't change, but what I can tell you right now is, that's what was agreed to with Mark was a licensing agreement and the difference between a license and a lease is, the license gives no rights, whereas a lease does give rights but a lease also costs money. So I can't say that that's not gonna change, but that's the current status of it and that's what the Council agreed to was a licensing agreement.

James Richards ó I have to apologize because I'm standing in for my brother Mark who you've been dealing with on this matter, he got ordered overtime tonight, so I'm not as well versed on the in and outs of this, but it's explained to me by him that he was very clear with the City Attorney that if we were going to move forward with this and spend our money as opposed to taxpayer or City money, that we would be afforded certain rights to that and guarantees based on, we're looking at as a long term solution to a parking problem but investments in our property which we've already put so much into and so we just need to be sure that we're being, you know that we're gonna be able to reserve that right.

Council President Zeisz - I think this would be my suggestion. Whether it's yourselves, you or your brother or your counsel, talk with the City Attorney, make sure there's a thorough understanding of where you stand with this license agreement. It's certainly not something that I can answer or anyone else up here can answer without complete sense of what's really going to happen.

James Richards ó You're under a different opinion so I'd apologize for that.

Council President Zeisz - í that's what I would suggest and then we can go from there.

James Richards - And in the meantime, just to be clear, are we set and ready, can get started now that we have the asphalt, can we go ahead?

Council President Zeisz ó Yes, yes.

James Richards ó Outstanding, thank you very much.

Councilmember Gilbert ó I think all we did tonight was allow the Mayor to negotiate a contract. They can't

Council President Zeisz - í yes I'm sorry, I'm sorry. We gave the Mayor the authority to sign an agreement with you to move forward. I should have clarified. I'm sorry.

Councilmember Gilbert - What you have to do now is get with everybody, get with the Mayor and the City Attorney and hash this out as soon as possible so that you guys can come to an agreement, then that can be signed off on and you guys can move forward.

James Richards - So schedule with the Mayor's Office and the Attorney.

COMMENTS FROM THE COUNCILMEMBERS AFTER RESOLUTIONS

Councilmember Gilbert ó I just want to thank two members from the Youth Board that are finished with their service, they were a great help as liaison to the Youth Board. It's always nice to see high schoolers take part and I'm sorry to see them go. The other thing, I'd like to thank All Dogs Academy for doing their part in helping with the dog control in the City and I'd also like to thank the Police Department for helping the cheerleaders with allowing them to use their property for the car wash.

Councilmember Smilinich ó I hope everybody enjoyed their 4th of July and as the President said, we will not be meeting on our regularly scheduled meeting due to Canal Fest, so everyone enjoy it, be safe and that's all I have.

Council President Zeisz ó Actually, this Tuesday, two weeks from tonight, you should be standing out there waving at us because that way we'd have somebody to wave at because half the time I can't see anybody, I just wave because everybody just blends in together.

Councilmember Hall ó I would like to congratulate the two recipients from the Youth Board. I had a chance to serve on that a long time ago and it's a great group and they do a lot for the youth of the community, so thank you to them. Also, like Mr. Gilbert said, cheerleaders, I did with Ms. Stuart over there, a lot, I do support them and I hope you will at the car wash. And I had the good fortune of going to the Public Works and seeing the new grass cutter that came in. Actually talked to them, the job that took about three hours they did in about 15 minutes. I think that's gonna be a great asset, plus the new packer arrived the other day, so hopefully our City can move forward and with a new fire truck, I think we're gonna be on good ground. Thank you.

Councilmember Koch ó There was a wonderful concert this past weekend by the BPO. I'd like to thank everybody who put it together. I know there was some confusion about the start time but I certainly hope that the BPO does come back next year. The last time that they did play in the City of Tonawanda was 2002, so I'd like to thank Assemblyman Schimminger for putting this together and the BPO. Art on the Riverwalk is this Sunday

so stop on down. The Garden Walk will take place next weekend and maps are available in City Hall or they will be available in City Hall and I believe the Library, so come on down to that.

Mayor Davis ó You notice the sewer replacement going on in front of City Hall turned into a little bit more than we bargained for because the sewer was 11ø down and underneath a bunch of waterlines, so a two day job turned into a week job but I want to thank everybody for their patience and understanding when coming through that intersection and dealing with it. Speaking of which, road work is coming along nicely, even though the T&L was just down on Walter, it looks better than what was down there before. As Ms. Koch said, Art on the Riverwalk, I want to thank Basil Chevrolet for kicking in sponsorship, a void left by a certain Cadillac dealer that decided not to sponsor that event moving forward, so Sunday, you might be dodging some raindrops in the afternoon, but come on down and check out some wonderful art work. Pumper, I have here, listening to Mr. Szortyka, whole heartedly support pumper for the Fire Department and it's tough because when you're talking about \$400,000 plus piece of equipment, to buy two, that's an awful big thing to absorb. We got one, moving forward in a few years we can talk about getting a second one replaced but right now, the main thing is to get that 37 year old pumper off and get it into somebody else's hands and not our hands and have a little more reliable vehicle moving forward.

Council President Zeisz ó Thank you to all of you for coming tonight. Have a great night, we'll see you again, drive safely and God Bless you.

