

Council Chambers  
Tonawanda, New York  
June 20, 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 led by Associate Chaplain Bill Miles

**Mayor's Presentation David Eberl and Cassandra Butzer**

Charles Rech ó Mayor Davis is unable to attend tonight due to illness so he asked me to present these proclamations tonight. The first is a öCertificate of Appreciation presented to David Eberl for his heroic efforts in assisting with the apprehension of a purse thief, from Mayor Rick Davis, dated June 20<sup>th</sup>, 2017.ö

Chief William Strassburg óWhat we had was at Tops, a woman had her purse taken, started to run out of the store and this young man heard the commotion, latched on to one of them, police were called and because of David, the suspect and her accomplice were caught. We just thought it was really an amazing thing in this day and age people are more interested in pulling out their cell phones and putting it on Facebook as opposed to actually jumping in, doing something and helping someone out. The only reason these two were apprehended is because of this young man's actions and I think he should be applauded for it.

Charlie Rech- The second certificate of appreciation is presented to Cassandra Butzer. Cassandra was unable to attend tonight. The Mayor has one and the Fire Chief has one. Let me read this- öA Certificate of Appreciation for her heroic efforts in alerting a neighbor that their porch was on fire from Rick Davis, Mayor, dated June 20<sup>th</sup> 2017.ö

Chief Chuck Stuart óMiss Butzer was driving home about 10pm and noticed the fire was started on the porch of a neighbor in Elmwood Park. She stopped her car and got out, banged on the door. The owner was home and he seemed a little bit in shock when she was trying to explain it to him and he looked out the front door and what was a relatively a small fire when she stopped had started to grow pretty quickly. Cassandra kept insisting the owner leave and pulled him out of the house then she called 911 and notified the Fire Department. When we pulled up the front porch was fully engulfed. (inaudible) If she hadn't done what she did there would have been much more damage. The window to the inside had just cracked from the heat and the fire was just getting ready to move inside so it was all good time on her part, again it was selfless ( inaudible) I think it demonstrates the good in our community especially a young person doing what she did, put herself in a little bit of danger. Definitely limited damage to what it could have been and possible potentially saved a life. She was awarded at the High School a couple weeks ago, by our Senator and it was a nice program and sorry she is not here tonight but either way, deserves a round of applause.

**COMMUNICATIONS FROM THE MAYOR**

Letter from David Homes with Petition to Amend Zoning District Map

**COMMUNICATIONS FROM CITY OFFICIALS AND CORRESPONDENCE**

May Monthly Report of the Fire Department

Petition to amend Zoning District Map from David Homes for Riverwalk Villas

June Minutes of the Civil Service Commission

Treasurers June 20, 2017 Comprehensive Revenue and Expenditure Report

Referred to the Committee of the Whole

Ordered filed

**COMMENTS BY THE PUBLIC ON RESOLUTIONS**

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.

Council President Koch ó We have a resolution added to the agenda and I will turn it over to the clerk to read that.

City Clerk Syposs ó Be it resolved, that this Common Council will conduct meetings on July 11<sup>th</sup> and July 25<sup>th</sup> due to the holiday and Canal Fest.

**MOTIONS AND RESOLUTIONS**

149. By the Council seconded by the Council

Resolved, that the Common Council minutes from June 6, 2017 be accepted as filed.

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

Resolution declared adopted

150. By Councilmember Rautenstrauch seconded by Councilmember Toth

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

151. By Councilmember Gilbert seconded by Councilmember Smilinich

Resolved, that the reading of the resolutions be waived.

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

Resolution declared adopted

152. By Councilmember Smilinich seconded by Councilmember Gilbert

Resolved, that the residents of Grove Street between Broughton and Roosevelt Streets be permitted to conduct a Block Party on August 26, 2017 from 4:00 P.M. to 10:00 P.M.

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

Resolution declared adopted

153. By Councilmember Gilbert seconded by Councilmember Toth

Resolved, that Beth Ann Schaertel, 10 Crestwood Court, be appointed Commissioner of Deeds in and for the City of Tonawanda with a term to expire on 12/30/2018.

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

Resolution declared adopted

154. By Councilmember Toth seconded by Councilmember Rautenstrauch

Whereas, a Special Events application was received by the City Clerk from Ashley Eldridge on behalf of the Tonawanda High School Volley Ball Program to conduct 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,

Therefore, be it resolved that permission is granted to the Tonawanda High School Volleyball Program to conduct a car wash in the City Hall Parking lot on the West side on August 19, 2017 and that a Certificate of Insurance naming the City of Tonawanda as additional insured be filed with the City Clerk no later than July 24, 2017.

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

Resolution declared adopted

155. By the Council seconded by the Council

Councilmember Toth- Madam President could you just explain what the change was is this since it was already passed on June 6?

Council President Koch- The change is in the fee from an error listing the fee for the exam as \$100.00 to \$250.00.

BE IT RESOLVED that Resolution No. 142 passed by this Council on June 6, 2017 is hereby rescinded;

BE IT RESOLVED that the following Resolution replaces Resolution No. 142;

NOW, THEREFORE, BE IT RESOLVED, that Chapter 30 of the Code of the City of Tonawanda entitled Fees, Article 5. Sec. 30-131. entitled Plumber's license and exams, which now reads as follows:

- (a) *License.* The fee for a license required by [section 14-268](#) shall be \$50.00.
- (b) *Exams.*

- (1) Regularly scheduled exams<sup>o</sup> Exams given on the second Wednesday in April or November<sup>o</sup> The fee shall be as follows:
  - a. Journeyman plumber's exam.....\$25.00
  - b. Master plumber's exam.....\$100.00
- (2) Special exams<sup>o</sup> Exams given at any other time<sup>o</sup> The fee shall be as follows:
  - a. Journeyman plumber's exam.....\$100.00
  - b. Master plumber's exam.....\$250.00.

Shall now read as follows:

(a) *License.* The fee for a license required by [section 14-268](#) shall be \$50.00.

(b) *Exams.*

(1) Regularly scheduled examsô Exams given on the second Wednesday in April or Novemberô The fee shall be as follows:

- a. Journeyman plumber's exam.....\$50.00
- b. Master plumber's exam.....\$100.00

(2) Special examsô Exams given at any other timeô The fee shall be as follows:

- a. Journeyman plumber's exam.....\$100.00
- b. Master plumber's exam.....\$250.00.

BE IT FURTHER RESOLVED, that all other Sections of said Ordinance shall remain unchanged and in full force and effect; and

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

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

156. By the Council

seconded by the Council

BE IT RESOLVED, that the Common Council hereby approves and confirms Mayor, Rick Davis, appointment of Judith M. Tafelski as City Assessor, in accordance with the terms of the Municipal Cooperation Agreement for Shared Assessors Services, dated October 23, 2015, by and between the Town of Grand Island, the Town of Tonawanda and the City of Tonawanda. Said appointment to fulfill the remainder of a six (6) year term, which expires on September 30, 2019.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

157. By Councilmember Smilinich

seconded by Council President Koch

Be it Resolved, that the City of Tonawanda has established Standard Work Days for Elected and Appointed Officials and will report the following days worked to the New York State and Local Employees Retirement System based on the record of activities maintained and submitted by the following officials to the clerk of this body:

Title	Name	Standard Work Day (hrs/day)	Term Begins/Ends	Participates in Employer Time Keeping System	Days/Month (based on Record of Activities)
<u>Elected Officials</u>					
Councilmember	Charles Gilbert	6	1/1/16-12/31/17	N	4.70

Ayes: Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Abstain: Gilbert

Resolution declared adopted

158. By Councilmember Toth

seconded by Councilmember Gilbert

Be it Resolved, that the hourly pay rate for 1<sup>st</sup> year Group A Seasonal Laborers as defined in the City Policy Manual for 2017 be established at \$9.70.

Budget Impact: approximately \$7,000

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

159. By Councilmember Smilinich seconded by Councilmember Rautenstrauch

Council President Koch- I have a comment. We spoke with our City Engineer and basically the change is for ADA compliance ramp and some other issues.

Resolved, at the recommendation of City Engineer Jason J. LaMonaco, P.E., that award of Change Order No. 4 to the Intermodal Hub construction contract be made to Milherst Construction, Inc., at a cost not to exceed \$18,986.94.

Funding/Fiscal Impact: \$17,752.74 from City Bond  
\$1,234.20 from ADA Compliance Budget

Ayes: Gilbert, Smilinich, Rautenstrauch, Koch

Nays: Toth

Resolution declared adopted

160. By the Council seconded by the Council

WHEREAS the collective bargaining agreement between the City of Tonawanda (City) and City of Tonawanda Clerical Unit, Erie County Local 815 of CSEA Local 1000 AFSCME, AFL-CIO (CSEA) expired on December 31, 2016 and,

WHEREAS, the City administration and CSEA have negotiated a memorandum of agreement that amends the expired collective bargaining agreement between the parties and thereby provides a successor agreement between the parties for the period January 1, 2017 through December 31, 2023 (contract), and

WHEREAS, the contract provides a salary increase and the same health insurance program provided all other City unions and, therefore, is fair to union members and affordable to taxpayers,

WHEREAS, the contract is approved by the Mayor and approved by majority vote of the members of the CSEA, and

WHEREAS, the contract must be approved by the Common Council in order to become a legal and binding contract between the parties.

BE IT THEREFORE RESOLVED, that the contract herein between the City of Tonawanda and City of Tonawanda Clerical Unit Local 815 CSEA is hereby approved.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

161. By Councilmember Rautenstrauch seconded by Councilmember Gilbert

Whereas, a Special Events application was received by the City Clerk from Dennis Smilinich on behalf of the Tonawandas Post 264 American Legion to conduct a Bike Night and

Whereas, the application was reviewed and commented on by all appropriate department heads to insure the safety and well being of our residents,

Whereas, all details for the above named event must be coordinated with Captain Fredric Foels of the Police Department and the event chairperson.

Therefore, be it resolved that permission is granted to the Tonawandas Post 264 American Legion to conduct a Bike Night on June 23, 2017.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

162. By the Council seconded by the Council

WHEREAS, the City of Tonawanda Common Council (the "Common Council") has received a Petition for Rezoning and supporting documentation ("Application") including a completed Part 1 of the Full Environmental Assessment Form ("EAFö") filed

by David Home Builders, Inc. (öProject Sponsorö) in furtherance of a proposed residential project on 14.00 acres of land owned by the City of Tonawanda as depicted on a survey of the Project Site prepared by GPI Engineering, Landscape Architecture & Surveying, LLP and as more particularly described within the legal description of the Project Site included with the Application; and

WHEREAS, pursuant to the Application, the Project Sponsor is seeking to amend the zoning classification of 14.00 the Project Site from R-1 to R-2 in furtherance of the proposed residential project (ö Projectö) and the Project Sponsor is also seeking Site Plan Approval; and

WHEREAS, the EAF contains a detailed description of the action as required by SEQRA along with a list of the required approvals and permits for the Project from involved and interested agencies, and

WHEREAS, the Common Council has reviewed the Application including the EAF and based on its review of the Application and the criteria for Type I actions contained in the SEQRA Regulations (6 NYCRR Part 617.4) determined that the Project is a Type I Action pursuant to the State Environmental Quality Review Act (öSEQRAö); and

WHEREAS, the Common Council will be conducting a coordinated environmental review of the Project as required by SEQRA in order to solicit input from involved and interested agencies regarding potential adverse environmental impacts; and

WHEREAS, the Common Council has determined that it should act as the lead agency for the coordinated environmental review of the Project pursuant to SEQRA given that the Project requires approvals and permits from the City of Tonawanda including but not limited to an amendment of the zoning classification of the Project Site from R-1 to R-2, the conveyance of land owned by the City of Tonawanda and Site Plan Approval; and

WHEREAS, in furtherance of its objective of soliciting input regarding the Project as early as possible in the review process, the Common Council is interested in referring the Project to the City of Tonawanda Planning Board for its issuance of an advisory recommendation regarding the requested amendment of the zoning classification of the Project Site from R-1 to R-2 and the request for Site Plan Approval;

NOW, THEREFORE, BE IT RESOLVED that:

1. Based on a review of the Application including the EAF and related project documentation, the Common Council classifies the Project as a Type I Action pursuant to SEQRA.
2. The Common Council hereby declares its intent to act as the designated lead agency for the completion of a coordinated environmental review of the Project pursuant to SEQRA.
3. The Common Council authorizes the City Attorney's Office to issue a lead agency solicitation letter on behalf of the Common Council providing involved agencies with the required thirty (30) day period to provide input regarding the Common Council's request to be the designated lead agency for the coordinated environmental review of the Project.
4. The Common Council hereby refers the Project Sponsor's request to amend the zoning classification of the Project Site from R-1 to R-2 and for Site Plan Approval to the Planning Board for its issuance of advisory recommendations to the Common Council on these required Project approvals.



Councilmember Smilinich ó I want to thank the CSEA, the whole Union. We often times thank the Police, the DPW and the Fire Department and you people, it's not that we forget you it's that you do so darn good but you are really appreciated not just by everyone sitting here but everybody in the City because I know, the questions that are posed to you and the time you take with people to rectify their problems, you go well beyond what you need to do so thank you and pass that on to everyone who is not here tonight. I want to congratulate the class of 2017 who will be graduating, both colleges have already and our High Schools. A special thanks to David and Cassandra, I just wish there were more people like them in this world.

Councilmember Toth ó The nice thing about going at the end is everybody has covered everything for me so I can just echo the sentiments of my colleagues and I'd also like to add best of luck to Dr. Jim Newton as I know tonight is his last School Board Meeting that he'll be attending as he moves on to bigger and better things. He has been quite an asset for the community and the kids and the parents here and I think I said at the last meeting, he is going to be sorely missed and the shoes are going to be very difficult for our new Superintendent to fill so best of luck to him. Everybody have a very happy and safe Fourth of July.

Council President Koch ó I want to thank the Fire Department for the beautiful dedication ceremony and the Fireman's Parade. Thank Dr. Newton, today is his last School Board Meeting and I wish Dr. Oldenburg all the best. Kohler Pool will be opening on June 26<sup>th</sup>, and just so everyone knows, they will be having a 60<sup>th</sup> Birthday Party and that will be on July 11<sup>th</sup> from 6 P.M. till 7:50 P.M. and the event is open to the community so please come out, if you are a former lifeguard or you know someone who was or you were a member of Kohler Pool please come out. There will be cake so it should be a good time. The Buffalo Philharmonic Orchestra will be performing at the Bandshell on July 9<sup>th</sup> at 7 P.M. That's always a great event so please mark your calendars and also on July 9<sup>th</sup> the 14<sup>th</sup> annual Art on the Riverwalk Show will run from 10 A.M. till 5:00 P.M. And last but certainly not least, thank you to the CSEA for all you do day in and day out on behalf of everybody in the community, it is so much appreciated. So thank you so much.



**ADJOURNMENT**

164. By the Council

seconded by the Council

Resolved, that this Common Council adjourn until July 11, 2017.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date