

Council Chambers
Tonawanda, New York
June 7, 2016

A Regular Meeting of the Common Council

Present: Council President Koch

Present Councilmembers: Gilbert, Smilinich, Rautenstrauch, Toth

Pledge of Allegiance and Prayer led by Associate Fire Chaplain Rick Oates

Presentation of Youth Board Book Awards

By Director Robert Starr to the following:

Amy Farnham, Danielle Sentz and Michaela Walsh

Presentation by Mayor Davis to Abigail Porter

Mayor Rick Davis- As some people have seen on social media we have an extraordinary young lady who had a lemonade stand and she donated the proceeds to Women and Children's Hospital. I just wanted to acknowledge her in a public setting for her generosity and doing the right thing. There isn't enough of these kind of stories that get a crossed here in the City. This is a Certificate of Appreciation presented to Abigail Porter for raising \$32.00 from her lemonade stand and donating the total raised to Women's and Children's Hospital, awarded today June 7, 2016 and signed by myself. Awesome job!

COMMUNICATIONS FROM THE MAYOR

Copy of letter to the Mayor from The Buffalo & Erie County Greenway Fund Standing Committee announcing the approved funding to support the Intermodal Transit Hub in the amount of \$425,000.

COMMUNICATIONS FROM CITY OFFICIALS AND CORRESPONDENCE

The following monthly reports were received by the City Clerk:

May Minutes of the Traffic and Safety Board

May report of the City Clerk

May report of the Building Inspector

Communication from Municipal Solutions, Inc regarding "Certificate of Filing of Official Statement with Clerk for Bond Anticipation Notes, 2016

Copy of Letter to County Executive Mark Poloncarz from FEMA responding to his letter in support of City of Tonawanda Police Application for the Port Security Grant Program

Copy of letter to Traffic and Safety Committee from Councilmember Sean Rautenstrauch regarding Elmwood Park

Copy of Email resignation of Joseph Oliver to City Assessor from Board of Assessment Review

Copy of NYS Dept of Health Permit, NYS Canal Corp Canal Work Permit and Insurance Certificates to Canal Fest of Tonawanda

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

142. By Council seconded by Council
Resolved, that the Common Council minutes from May 17, 2016, be accepted as filed.

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

Resolution declared adopted

143. By Councilmember Gilbert seconded by Councilmember Smilinich
Resolved, that the readings of Resolutions # 2- #14 be waived.

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

Resolution declared adopted

144. By Councilmember Smilinich seconded by Councilmember Gilbert

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 May 11, 2016, in accordance with Section 2.047 of the City Charter.

NOW, THEREFORE BE IT RESOLVED, that Chapter 62 entitled TRAFFIC AND VEHICLES, Article 5. TRAFFIC SCHEDULES, DIVISION 1. GENERALLY, Section 62-158. Schedule VIII: Stop Intersections of the Tonawanda City Code shall be amended to add the following:

<i>Stop Sign on</i>	<i>Direction of Travel</i>	<i>At Intersection of</i>
Harriet Street	East	Killewald Avenue
Killewald Avenue	North	Harriet Street

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 amendment 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

145. By Councilmember Smilinich seconded by Councilmember Toth

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 May 11, 2016, in accordance with Section 2.047 of the City Charter.

NOW, THEREFORE, BE IT RESOLVED, that Chapter 62 entitled TRAFFIC AND VEHICLES, Article 5. TRAFFIC SCHEDULES, DIVISION 1. GENERALLY, Section 62-160. Schedule X: Yield Intersections of the Tonawanda City Code shall be amended to rescind/remove the following:

<i>Yield Sign on</i>	<i>Direction of Travel</i>	<i>At Intersection of</i>
Harriet Street	East	Killewald Avenue

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 amendment 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

146. By Councilmember Rautenstrauch seconded by Councilmember Gilbert

Resolved, that permission is granted to First Presbyterian Church to use the portion of Clinton Park immediately adjacent to the church on Sunday, July 3, from 9:00 A.M. to 3:00 P.M. for a worship service and picnic.

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

Resolution declared adopted

147. By Councilmember Gilbert seconded by Councilmember Smilinich

Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk for The Erie Canal Fishing Derby, 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 the Captain Fred Foels and Amanda Lofft, Director of Parks and Recreation and the event chairperson, now, therefore be it

Resolved, that permission be granted to Harringtonø Service to conduct the Erie Canal Fishing Derby from July 6, 2016 to July 17, 2016 and to erect their Banner for the Event across Main St and Broad St., (permission to be given by building owners involved) from June 20, 2016 to July 20, 2016 and

Resolved, that a Certificate of Insurance naming the City of Tonawanda as additional insured be filed with the City Clerk no later than June 15, 2016.

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

Resolution declared adopted

148. By Councilmember Toth seconded by Councilmember Gilbert

Resolved, that the resignation of Joseph Oliver from the Board of Assessment Review be accepted.

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

Resolution declared adopted

149. By Councilmember Gilbert seconded by Councilmember Toth
Resolved, that the resignation of William Reece from the Board of Assessment Review, term to expire 9/30/2016 be accepted.

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

Resolution declared adopted

150. By Councilmember Gilbert seconded by Councilmember Rautenstrauch
Resolved, that William Reece be appointed to the Board of Assessment Review to fill the unexpired term of Joseph Oliver, term to expire 9/30/2019.

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

Resolution declared adopted

151. By Councilmember Smilinich seconded by Councilmember Toth
Resolved, that Mayor Rick Davis be authorized and directed to sign the City of Tonawanda Transportation and Escort Services Contract with the County of Erie for service through December 31, 2016.

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

Resolution declared adopted

152. By Councilmember Smilinich seconded by Councilmember Gilbert

Resolved, that permission is granted to Immanuel Lutheran Church to close Scott Street parallel to their parking lot and church on Saturday, June 25, 2016 for the celebration of the 486th Anniversary of the Augsburg Confession. The event will include the Bergholz German Band on their lawn. No adjacent properties driveways will be affected.

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

Resolution declared adopted

153. By Councilmember Toth seconded by Councilmember Smilinich

Resolved, that the 2016 General Fund Budget be amended to account for Grant Funds received and expended in 2016 from the United States Department of Homeland Security for the 2015 Port Security Grant.

EXPENSE 001-3120-202	Police Dept Equipment	ADD
\$25,000		
REVENUE 001-0001-4002	Federal DHS Port Security Grant	ADD
\$25,000		
NET BUDGET EFFECT		-\$0

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

Resolution declared adopted

154. By Councilmember Rautenstrauch seconded by Councilmember Gilbert
Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk from Tonawanda Cheerleading 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 the Captain Fred Foels and the City Clerk and the chairperson, now, therefore be it
Resolved, that permission be granted to Tonawanda Cheerleading to conduct a car wash in the upper City Hall parking lot adjacent to the Treasurers office on Sunday, August 7, 2016 from 11 AM till 2 PM and

Resolved, that a Certificate of Insurance naming the City of Tonawanda as additional insured be filed with the City Clerk no later than July 15, 2016.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

155. By Councilmember Smilinich seconded by Councilmember Gilbert
Resolved, that the Council authorize the City Engineer, Jason LaMonaco to draft a RFP to provide secure and upgrade generator capacities for the Tonawanda Police Dept. and City Hall.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

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

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

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

COMMENTS BY THE PUBLIC AFTER RESOLUTIONS

Mandy Sampson- I am here just to let the public know the opening of the Millstream Community Learning Garden will be held on June 25 from 12:00P.M. to 3:00P.M. (Inaudible)

Gerald Habermann, Cheektowaga- I come down here every weekend on the river, especially across from Mississippi Mudds over there where the restrooms are. Right now, there is not enough parking over there. I would like to see them blacktop the rest of the area in the parking lot. Some people can't park on the street and walk down the hill, being handicapped. We need to park on level ground and most of the time those spots are gone. Right now there are only two handicap spots down there on each side of the restroom. If they would put like maybe two or three more right behind the restroom building. There's plenty of room down there. It was good years ago but not today, more and more people are coming down there with their family every weekend just to check out the water, check out the bike path whatever. One other thing, this is probably a hard one but, I've been coming down there this year since the weekend of Easter. They didn't have the restrooms open. They just had a sign hanging up there saying they are open from Memorial Day until Labor Day. But, we have been having really nice weather and so every weekend the park has been full. We weren't able to go to the restroom. I seen some people going by the tree and that and they would get the guy for indecent exposure ticket or something or people are going down to Mississippi Mudds. Even if you open the restrooms on a Saturday or Sunday for a couple of hours it would be better than nothing. That's about it. Thank you.

Carol Sue Rowling, 181 Utica Street- This in regards to DPW. Maybe the guys that run the street sweeper could actually go along the curb. Most of the time lately, for the past month or so they have been staying out away from the curb. There's been a lot of stuff right along the curb that basically isn't getting touched. Maybe you can (inaudible). We've been on the issue about the guy backing into the tree. It finally got taken away by the City. Last Friday, as based on many, many other times that almost had an accident backing out of that driveway and the person had to slow right down and blow their horn like crazy like nobody's there. One of these days, something will happen and of course there's handicapped people on that vehicle and the person in the car will probably hit one of them. Thanks. One more, I came down Clinton Street and the islands look very nice.

COMMENTS BY THE COUNCILMEMBERS AFTER RESOLUTIONS

Councilmember Rautenstrauch- Nothing right now.

Councilmember Gilbert- I just want to encourage people that August 7 is that Cheerleading Car Wash. It is a big fundraiser for them. Come down to City Hall and support the cheerleaders. I want to congratulate our Youth Board Book Award Winners; Danielle, Michaela, and Amy. You definitely earned it and I'm pretty sure you're all Quality Students too, right? Yes, that's what I thought. So we got to see them there as well. Those kids work real hard to get where they're at so it's great to see that they get to use the book awards. I would like to congratulate Miss Abigail Porter for her raising that money and donating it to Women and Children's Hospital. That takes a lot of pride and hard work and it's an honor to see somebody do that. Lastly, thank you to the Mayor and the Greenway Commission for their money to the Intermodal Hub.

Councilmember Smilinich- In addition to Mr. Gilbert's thanks, I want to talk about something a little bit different. The Memorial Services and the Memorial Day Parade were very, very, poorly attended. The spectators are just not there anymore. The people don't come to show their respect. I'm just hoping that we all take a few moments and pause for those who gave their lives for our country, for our freedoms. I would like to thank the Team-Up to Clean-Up for all the help that they did in the cemeteries along with the Boy Scouts and anyone else who helped to recognize these people. That's all I have for tonight.

Councilmember Toth- I would also like to echo Mr. Gilbert's sentiments especially to the Book Award Winners. The daughter that I have in college, I know that the money helps. So, I'm sure it's going to be put to good use for a couple of months at best. Also, to Miss Porter, it's nice to hear that the youth in the community do nice things like this for others. I look for role models. It's nice to see the youth in our community as role models. She did a great job. Also, the Greenway Committee, I'm excited to see what they are going to do on the Young Street portion. It's going to be something really special. It will certainly rival what N.T. has done on their side of the canal. Thank you to the Mayor for working on this project.

Mayor Davis- I just want to remind every body to come out, on the heels of what Ms. Smilinich is saying about Memorial Day Parade being poorly attended. We had quite a few parades in and around the City that we should be coming out and showing our appreciation like Memorial Day, the Fireman's Parade is another that is happening on June 18 at 2:00 P.M. It starts at Broad and Main and goes over into North Tonawanda. Again, these are parades where we can show our appreciation for the work and or sacrifices that people have made so let's take a little time and show our appreciation. Solar panels were installed on City Hall recently. We had to dot few of them and cross a few of them in order to energize those. They look really nice up there from some pictures on social media. The pavilion will be next. And then after that the Wales Avenue Landfill which will cost about three quarters of a kilowatt of solar panels. The Niagara Street repaving, I think it looks great! We're going to look at finishing that next year. We didn't have the money to do the whole section one year so we kind of are doing it in bits and pieces but I think it looks great. And to the wonderful fathers out there, Happy Father's Day!

Council President Koch- One of things about going last is that everything really has been said. Thank you Mayor and the Greenway for your efforts. It certainly is exciting news on the Intermodal Hub. We have plenty events that are happening in the City in the next few weeks. Just to name a few; St. Francis Family Fun Fest is this Saturday from 12:00P.M. to 9:00P.M., and we have the Kids Fishing Derby and the Fireman's Day Parade which will be held on June 18. There is also a Recycling Event on Saturday, June 18 at Buff State College. They are taking your TVs. So please check that out. It is sponsored by Senator Mark Panepinto from 9:00 A.M. to 2:00P.M. and it's in the parking lot G21. I would also like to wish the newly elected School Board Members all the best in your term and congratulations. That is all I have. We will be going into Executive Session to discuss contract negotiations.

ADJOURNMENT

157. By Councilmember _____ seconded by Councilmember _____
Resolved, that this Common Council adjourn until June 21, 2016.

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

Resolution declared adopted

City Clerk

Mayor

Date Filed