

Council Chambers
Tonawanda, New York
June 16, 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 Associate Fire Chaplain Dorothea Schweitzer

COMMUNICATIONS FROM THE MAYOR

A letter to Robert Starr, 306 Rogers Avenue, reappointing him to the position of Director of the City of Tonawanda Youth Board, term to expire December 31, 2017.

A letter to Kathleen Bodie, 113 Sharon Drive, appointing her to the City of Tonawanda Youth Board, term to expire December 31, 2018.

A letter to Joan Horn, 742 Fletcher Street, appointing her to the City of Tonawanda Board of Appeals, term to expire December 31, 2018.

Ordered filed

COMMUNICATION FROM CITY OFFICIALS AND CORRESPONDENCE

The following monthly reports were received by the City Clerk:

May report of the Building Inspector

May Activity Report of the Fire Department

May minutes of the Planning & Zoning Board

May minutes of the Plumbing Board

Comprehensive Revenue & Expenditure Control Report of the City of Tonawanda as of June 16, 2015

Referred to the Committee of the Whole

Ordered filed

A letter from the Delaware Hose Company, No. 2, dated June 3, 2015, opposing any cuts to the budget of the City of Tonawanda Fire Department and other various issues.

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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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

Roger Puchalski, 478 Adam Street ó On number three, it says that you're going to install a perspective parking lot on Young Street next to Smoke on the Water. I just have a couple questions. One, could somebody tell me what the agreement is with Smoke on the Water because in 2013, the permit says it was temporary, it's been two years, how long is the temporary agreement for them to use that parcel of Young Street?

Council President Zeisz - Well I think our City Attorney should come forward and tell us. Mr. Trabucco, if you could come forward and just discuss briefly the license agreement with Smoke on the Water? But I can say this Mr. Puchalski, it's not a temporary agreement. It would be an agreement that would be in effect for the length of time that they are owners of that facility. That's what we are doing tonight.

Roger Puchalski ó According to the City by-laws, 106-91, it says that if the Council is going to ðlay out, open, make, alter, widen contract or discontinue any square, street, galley or highway, it has to publish a public notice one week, for two successive weeks in the official newspaper, and has that been published prior to your voting on this?

Council President Zeisz - No, it was not.

Councilmember Gilbert ó Mr. President, that's the street. We already did the street a while ago.

Council President Zeisz ó We'd let the City Attorney answer.

City Attorney Ron Trabucco ó (inaudible)

Council President Zeisz ó I make a motion to hold the resolution.

MOTIONS AND RESOLUTIONS

158. By Council President Zeisz seconded by Councilmember Gilbert
Resolved, that resolution #3 be held.

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

Resolution declared adopted

159. By the Council seconded by the Council
Resolved, that the Common Council minutes from June 2, 2015, be accepted as filed.

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

Resolution declared adopted

160. 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

161. By Councilmember Gilbert seconded by Councilmember
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.

Gilbert, Smilinich, Hall, Koch, Zeisz

Ayes:

Nays:

RESOLUTION HELD

162. By Council President Zeisz seconded by Councilmember Gilbert
Resolved, that Timothy Toth, 42 Riverview Avenue and Shane M. Mast, 587 Broad Street, be appointed Commissioner of Deeds in the City of Tonawanda, term to expire December 31, 2016.

Councilmember Koch ó Jan, are all those other Commissioner of Deeds, are they, have they been notified there were issues?

City Clerk Bodie ó Weøre just waiting for a few to come back from the County.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

163. By Council President Zeisz seconded by Councilmember Koch
Resolved, that the reading of the next six resolutions be waived.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

164. By Councilmember Hall seconded by Councilmember Gilbert
Be it Resolved, that Rick Davis, Mayor of the City of Tonawanda, is hereby authorized and directed to execute a proposed License Agreement between the City of Tonawanda and 5467 Sheridan Drive, Inc., d/b/a Mississippi Mudds, wherein the City authorizes Mississippi Mudds to install six (6) protective bollards within the City's right-of-way in front of the property owned and occupied by Mississippi Mudds at 313 Niagara Street, Tonawanda, New York and be it further
Resolved, that said Agreement will be on file in the Office of the City Clerk.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

165. By Councilmember Koch seconded by Councilmember Hall
Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk for Rock the River Summer Christian Concert 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 Director of Parks and Recreation, Amanda Lofft and the event chairperson, now, therefore be it
Resolved, that permission be granted to Bethesda Full Gospel Church to hold Rock the River Summer Christian Concert on Saturday, June 20, 2015, from 7:00 P.M. to 9:00 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 June 18, 2015.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

166. By Councilmember Hall seconded by Councilmember Gilbert
Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk for the Old Man River Hot Dog Eating Contest 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 Old Man River to hold the Old Man River Hot Dog Eating Contest on Saturday, July 4, 2015, from Noon until 5:00 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 June 30, 2015.

Councilmember Gilbert ó This event is a really great event. This helps out Meals on Wheels for the Tonawandas and Iøve done it in years past and a couple people in the audience have done it and I heard Mayor Davis is doing it this year, so I really suggest everybody come out and support the Meals on Wheels and take a look at this event and watch people eat a lot of hot dogs fast.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

167. By Councilmember Smilinich seconded by Councilmember Koch
Be It Resolved, that the Common Council of the City of Tonawanda hereby authorizes Mayor Rick Davis to sign and execute the contract for the City of Tonawanda Main Street Program Grant with the New York State Department of State.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

168. By Councilmember Koch seconded by Councilmember Gilbert
Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk for the Weekend on Webster summer concert series 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 Police Captain Fred Foels and the event chairperson, now, therefore be it
Resolved, that permission be granted to Crazy Jakes, 26 Webster Street, North Tonawanda, New York, to close the Renaissance Bridge from 5:00 P.M. to 11:00 P.M. for the Weekend On Webster Summer Concert Series on June 27, July 3, July 11, July 18 and August 1 and August 8, 2015, and be it further
Resolved, that any overtime that is incurred during this event will be paid for by the Crazy Jakes 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 June 22, 2015.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

169. By Council President Zeisz seconded by Councilmember Koch
Resolved, that in recognition and compliance with the õNew York State Open Meetings Lawö, 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 potential litigation.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

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COMMENTS FROM THE PUBLIC AFTER RESOLUTIONS

Dave Grosskopf, 19 King Street ó Just asking the Council, I sat here two weeks ago about the stop sign issue between Wheeler and Clinton and was wondering what the updated status on that was. Was the board, directing you Mr. President, seeking an agreement that potentially those signs needed to be added back there but you also stated that that could be done with your sole authority and I was just wondering if that was brought up or discussed any more at length about any of the stop signs between those intersections, again, between Clinton and Wheeler.

Council President Zeisz ó We just had a brief discussion before we came out on the floor. We're gonna talk about it some more later. Just for the benefit of everyone that is here regarding stop signs, even if the Council wanted to tonight, we couldn't move ahead, it was posted in the paper but not for a long enough period for any action to be taken tonight, but it could be taken at the next meeting, if three people so decided to do that. I did say in open session that I would, backing up Ms. Smilinich, that definitely we'd put the sign back up on Kohler and Fletcher, but like anything else, it takes three votes to move in that direction, so that's where we're at, at this point.

Patricia Caufield, 257 Fletcher Street ó I'm also here to speak about the stop sign at Bouck. That corner has gotten a little scary since the stop sign was taken out, not so much for the speed because I recognize that the speed has not so much been affected by the sign. Sitting on my porch, I can see that the cars are doing some things that are scary, having children of my own that live on that corner, and friends across the street in both directions, people on Bouck, either because they don't notice or because they're trying to beat the traffic on Fletcher, there've been many close calls, almost every day, there's a close call, near misses, screeching tires, horns honking, there are people shouting at each other, òI have the right of the way; there's no more stop sign. There's also another kind of disturbing thing that I've been noticing that's happened several times where there are cars coming up Fletcher, slowing down to make a right hand turn and the car behind it, because there is no stop sign there and they don't want to slow down, they're passing on

the left hand side to get around the cars that are slowing to turn. So I'm here to ask to please put the signs back up at Bouck.. I think it's only a matter of time before another accident happens and it's very scary living there now. It never really was before dealing with that stuff.

Jim Weber, 278 Fletcher Street ó I'm a little bit calmer this week than I was last week. I concur as far as what so many others are saying. The stop sign at Bouck and Fletcher is really needed, it needs to go back up. It's not just about the speed, although I did notice, I just received the speed report tonight and if you look at it, going from the first day that that speed limit sign was on, to the last day, you see that the amount of people speeding is actually increasing a pretty good amount. It started at 41 people going over the limit, it's gone up to 53 to 50 within that five day period, so the general increase in speed is increasing down Fletcher. Obviously with the sign there, the sign didn't light up until they hit 30 mph when the sign was lit 30 or above, and so people coming down were keeping it at 30 who were going 30, as soon as they got past the sign you would hear the engines speeding up a little bit. Not a real lot of speed as far as like 50's anything along that nature like that. I concur with the readings I've seen. I was fortunate enough to be able to sit on my front porch and actually see that sign there (inaudible). Because of my concern for the families in the neighborhood, I have been watching it very close. I just sent you guys all an email yesterday, I'm sorry I couldn't get that to you sooner. I fully agree that Kohler stop sign should be put back too. I actually thought about it today as I was watching Kohler and seeing kids riding, crossing on their bicycles and yes, kids are suppose to stop at stop signs, suppose to look but kids don't do that. And then it dawned on me that the pool is gonna be opening in a couple of weeks. Once that pool is open, all the kids on the north side of the City in the older section will soon go down Kohler and then they go straight down Kohler to get to the pool. The speeds have definitely increased over what they were, at least in front of my house obviously because there originally was a stop sign at Bouck and with the stop sign at Elmwood, so there's no way people were ever going anywhere near 30 mph or even 20 mph in front of that section right there. Main concern I'm worried about is those intersections are not designed for traffic to go through them at 30 mph because of the blind spots and difficulty seeing, especially when you're heading south from anyone of those side streets, very difficult to see between the large trees and obviously the parked cars. A solution to take parking off of Fletcher is not a good solution. I've also been doing a lot of research over the last two weeks on traffic studies and how to remove stop signs and how communities are doing that and I agree with a lot with what Lt. Foels was saying in regards to, I call it the mud CD, the manual on removing traffic control devices. One of the key factors for a four way stop is visibility of traffic coming in the opposite direction. All three of those intersections have that issue where if there are parked cars or large trees, you're not gonna see it. An interesting fact as far as no parking, a lot of communities are trying to do what is called traffic calming and they have different devices like speed bumps or raised crosswalks. Unfortunately, with Fletcher being a main route for emergency vehicles, that's not an option and it states it right in three different studies that I did read. Other indications were to narrow the lanes and stuff but obviously with how wide our roads are, that's out of the question too. Ironically, one of the traffic calming ideas is to create on street parking in those neighborhoods because that has a tendency of automatically slowing at least to concern people driving down the street because they're worried about kids or animals darting out between parked cars. So I really request that the stop signs, at least on Fletcher and specifically at Bouck and Kohler be put back and maybe reexamine it and also possibly, what the City might want to look into is I found an outfit in a city called Cottonwood Pike out in Utah and they actually have a stop sign removal policy and in this policy the way they do it every single time that they remove a traffic control device and it is done working in conjunction with the residents of the neighborhood, when the traffic control devices come out. And they actually have an application for residents if they want to fill it out to request a stop sign or traffic control devices. It goes through flow charts and by having a policy, something like this, the City would be able to do it consistently, do it with forewarning the residents and the community needs prior to it being done. Like in this policy here, they recommend to actually have flashing signs stating that the stop sign would be removed 30 days before the stop sign is removed. So by the time it is removed, people are well aware that that situation occurred.

Lynn Casal, 69 Grant Street ó I have a question about the former business in Gastown, NGP on East Niagara Street, the clean up. I was a little surprised to see on the news that we have this going on, and I knew there was a problem but I did not know how bad it was. My question is, if it says that it is a level 2, which is a high risk to public health, does that affect our water table and the reason I ask is because right next to there, where I live, we've had four people pass away from cancer, two being children. We have one who has terminal cancer on Cleveland Street. I'm very concerned that that area could possibly be contaminated from that business, and I want to know if you have done any soil samples to see how far it has spread or not.

City Engineer Jason LaMonaco ó The DEC has been in charge of the investigation. They've identified the responsible party. They've done both sampling of soil and ground water in the Gastown area. There is contaminated ground water in addition to coal tar contamination that's been eliminated. The easiest way to get all of this information to you is probably directly from the DEC, I have copies of the report in my office. The ground water is corrected to being used as drinking water. Nobody here uses well water. (inaudible)

Lynn Casal ó What do you mean ground water? Is the water source affected and are we supposed to be drinking the water.

City Engineer Jason LaMonaco ó Yes, the water we drink is from the Erie County Water Authority it comes from the Niagara River and is treated at the water plant and pumped to the City. It's not ground water that's underneath your house.

Lynn Casal ó Can anything seep in your basement or anything?

Jason LaMonaco ó I know the Sportsmen's Club had an issue where (inaudible) was found. It seeped in the sump pump, which started the whole investigation. The best thing you can do is contact the DEC.

Lynn Casal ó I feel that my elected officials should be concerned about what goes on in the City, and should be proactive in letting us know. I did not know that any of this was going on until I saw the news.

City Engineer Jason LaMonaco ó There's different levels of government (inaudible)

Council President Zeisz ó Ms. Casal, this is old, this isn't yesterday. There was a lot of discussion.

City Engineer Jason LaMonaco ó There were public meetings, fact sheets.

Lynn Casal ó I never saw it in the paper.

Council President Zeisz ó It goes back a long time.

Lynn Casal ó I know years ago they found it, but I'm talking about the recent thing they just came out with saying the ground water was affected and things like that.

Council President Zeisz ó That's not new.

Lynn Casal ó Another subject, the stop signs. I have a statement about Grant Street is one of the first streets that you took the sign away and didn't let anybody know that you were going to take it away. Years ago, it was agreed upon at the time that if you were going to take a stop sign away, that you do some type of system like what Mr. Weber had mentioned to let people know. It makes sense to put something up there stating that in thirty days or whatever, this sign is no longer going to be here. You can't let somebody leave at the beginning of the day for work and come home after fifty years of the sign being there and have it be gone. To me that is a very good idea and I hope that the council looks into that. My last statement would be when you have a meeting in that other room and there's no room for anybody to sit and they can't hear anybody standing out in the hallway, can we move into this room so that everybody can hear, and see, and

participate in listening to what you're saying? It's kind of hard when you're left standing out in the hall and you can't hear.

Council President Zeisz ó Absolutely.

Brian Jopp, 273 Brookside Terrace ó My company, Ghostlight Entertainment, did the live stream for the council meeting two weeks ago. I just have the numbers of the amount of viewers we had. I think the council needs to speak more about doing this regularly. On live stream itself, we have 315 views, which is more than twice what this room holds. So there is definitely a need for it because people are viewing it. On the replay of it, there 336 views, which you have to assume that some of them are not the same people because someone's not going to sit through this twice, to be honest with you. So I think that is something that you need to talk about more in the future. As far as the fire truck, I think the City could use a new pumper and you got to get it for them. That should not even be a discussion.

COMMENTS FROM THE COUNCILMEMBERS AFTER RESOLUTIONS

Councilmember Gilbert ó This past weekend I got to drive out to Lockport and I saw the Viet Nam wall, the portable, mobile one. There was a huge crowd there in the Lockport City Hall. It was quite a scene so I enjoyed that. This weekend coming up, there's a lot going on and if I'm not mistaken, the Fishing Derby is this weekend for the kids, it's free. I think there's going to be a little pond there that they can catch fish there other than just in the river and it goes to a good cause. I just want to wish good luck to the TALL tournament team. There doing the Williamsport tournament for little league baseball, that's this weekend as well. I'm real excited about that.

Councilmember Smilinich ó I want to thank the Mayor for initiating the study on the Fire Department's vehicles and look forward to the remainder on the Police Department and I hope we get a plan in place so that we don't run into what we're running into now, because within the next four years we have to buy two vehicles, not one.

Councilmember Hall ó I want to thank the Chief and Bill Szortyka for volunteering to coming in and tell us about that.

Councilmember Koch ó The TEA and I are sponsoring an event on June 23rd. We'll be handing out free books to elementary school kids. So parents come on down and bring your kids, it should be a great event. I want to thank the Police Department for showing me the ropes this past weekend. It was certainly entertaining to say the least.

Mayor Davis ó I'd like to thank the Council for passing the resolution authorizing me to sign the Main Street Grant Program. I'm really excited about kicking this off here within the next few weeks and finding somebody who will be an asset to not only our downtown but the businesses that encompass our downtown. I'd like to thank our City Engineer, our Building Inspector and the City Attorney for their help with Mississippi Mudds in putting bollards up after that horrific accident we had down there a couple of weeks ago. In my mind, it was trying to prevent another accident from happening like that at that intersection, and I'm pretty steadfast on the fact that there be enough bollards in place permanent, not removable, that would ensure a better outcome had that accident occurred if there were bollards in place. I'd like to thank them all for their help and support. I'd also like to thank the Town. Recently they went ahead with a shared services agreement with the City that cut our milling cost down to about 33% of what they were in previous years by using the Town to mill our streets, which enables us to repave more streets here in the City. So many thanks to Joe Warthling and the Town representatives for working this out. It's already been said, but I'm going to say it again, the Fishing Derby is this weekend. John White does absolutely phenomenal work in this City. So please come down and support him and his members for the Fishing Derby. Firemen's Day Parade, my apologies for not being able to make it, I'll be coaching my son's baseball team, but please come and show your support. Firemen's Day Parade is a pretty well-attended event and we hope to see everybody down there supporting our fire department. Lastly, I'd really like to thank Bill Szortyka. There is a reason why we have City employees and we need to utilize those City employees for the expertise that they

bring to the table, and up until this point, I don't think we've ever had a revolving assessment of vehicles here in our City. And some of the vehicles by far and one of our biggest expenditures in the Capital Improvement Budget, and moving forward on both the regular budget and the Capital Improvement Budget, I felt it was prudent that we have a yearly assessment done of our City vehicles so the Council and myself can make informed and intelligent decisions on costs moving forward that the taxpayers are going to have to absorb. So again, many thanks to Bill for doing that and I look forward to continuing this in future years.

Council President Zeisz ó Thank you to all of you for taking the time to come out tonight. We'll see you again. Have a great night and drive home safely. God bless you.

