

Council Chambers
Tonawanda, New York
March 15, 2016

A Regular Meeting of the Common Council

Present: Council President Koch

Present: Councilmembers: Gilbert, Smilinich, Rautenstrauch, Toth

Pledge of Allegiance and Silent Prayer led by Associate Fire Chaplain Bill Miles

COMMUNICATIONS FROM THE MAYOR

A letter to Mayor Rick Davis from David R. Battaglia declining future Civil Service Appointment.

Letter from the United States Department of Interior to regarding National Park Service nomination of the NYS Barge Canal as a National Historic Landmark with opportunity to comment by May 10, 2016

Letter from the Erie County Board of Elections indicating the election dates for 2016.

COMMUNICATIONS FROM CITY OFFICIALS AND CORRESPONDENCE

A letter from Council President Jenna N. Koch to Anthony Bundy and James Weber appointing them to the IT/Communications Committee.

A statement from Jonathan Miller regarding City Attorney Trabucco's position on License Plate Readers.

Communications from Holland & Knight regarding Environmental Easement granted to NYS DEC on 450-470 Fillmore.

A letter to Captain Foels from Bud Hulpiau, Dog Control Officer proposing limiting dogs in households.

A statement from the Planning and Zoning Board Record of Decision Re: Mooney's LED Display sign.

Comprehensive Revenue and Expenditure Control Report as of 3/15/2016 from Joseph Hogenkamp, City Treasurer

The following monthly reports were received by the City Clerk:

February 2016 report of the Board of Appeals

February Report of the Fire Department

February Report of the Plumbing Board

Minutes of Planning and Zoning Board for January 2015 ó December 2015

Minutes of the Planning and Zoning Board for January 2016 and February 2016

Referred to the Committee of the Whole

Ordered filed

COMMENTS BY THE PUBLIC ON RESOLUTIONS

Suzanne Bradley, Victoria Boulevard, Kenmore- I would like to thank the Council for listening to and supporting our resolution on the Safe Staffing Bill, NYS Assembly Bill 01548 and NYS Senate Bill 00782, on the infection prevention law in The City of Buffalo, NY and physicians all throughout the county and counties outside of Erie County, Niagara County. I just want to thank you for your support. As an Infection Prevention Nurse I know that the nurse staffing ratios are critically important as we look at patients and their development of infections. I've looked at patients with cancer associated with urinary tract infections and patients who have had centralized bloodstream infections that could possibly turn out to be penalized for hospital acquired infections. We really appreciate the council's support for the Safe Staffing Bill. We are preparing to go to Albany to continue our support. We have support from the multiple communities around Western New York and were looking into going to say that we have the support of The City of Tonawanda. Thank you very much.

Council President Koch- We will not be going into Executive Session.

MOTIONS AND RESOLUTIONS

63. By the Council seconded by the Council
Resolved, that the Common Council minutes from March 1, 2016, be accepted as filed.

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

Resolution declared adopted

64. By Councilmember Toth seconded by Councilmember Rautenstrauch
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

65. By Councilmember Gilbert seconded by Councilmember Koch
Resolved, that the reading of all resolutions be waived.

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

Resolution declared adopted

66. 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 LaSalle Yacht Club's Red Flannel Cruise

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

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

Resolved, that permission be granted to the LaSalle Yacht Club to hold a Red Flannel Cruise and Picnic on Thursday, September 15, 2016 starting at 12 PM until 5 PM on Sunday September 18, 2016 with all appropriate Dock fees to be paid and further

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

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

Resolution declared adopted

Council President Koch- I just want to make a comment. I've worked in healthcare for almost ten years. I appreciate the work that the nurses do, that the CNA's do, that all across those in the healthcare industry. I sympathize with the challenges and I certainly support this bill wholeheartedly. It gives me such pleasure to support this. I wish you guys all the best of luck.

67. By Councilmember Koch seconded by Councilmember Toth

Whereas, NYS Assembly Bill 01548 and NYS Senate Bill 00782 have been introduced in the 2015-2016 Legislative Session to amend Public Health Law to require all acute care facilities and nursing homes to meet standards for appropriate staffing ratios of nursing and unlicensed direct care staff; and

Whereas, the proposed amendment would establish minimum nurse to patient ratios based on peer-reviewed academic research and evidence based recommendations: and

Whereas, the proposed amendment would require public disclosure of facility staffing requirements; and

Whereas, A Residential Health Care Facility Council would be established that would assist in the development and maintenance of required minimum staff hours of care per resident per day; and

Whereas, the Journal of American Medical Association published research that estimated five additional deaths per thousand patients occurred in hospitals that routinely staff with a 1:8 nurse to patient ration compared to those staffing with a 1:4 patient ratio; and

Whereas, the Federal Agency for Healthcare Research & Quality found hospitals with lower nursing and staffing levels had higher rates of pneumonia, shock, cardiac arrest, urinary tract infections and upper gastrointestinal bleeds which all led to higher cost and mortality from hospital acquired complications; now therefore, be it

Resolved, the City of Tonawanda Common Council urges the New York State lawmakers to support the passage of Assembly Bill 01548 and Senate Bill 00782 to amend the Public Health Law in relation to enacting the "Safe Staffing for Quality Care Act" and require acute care facilities and nursing homes to implement certain direct-care nurse to patient ratios in all nursing homes and be it further

Resolved, that the Clerk of the City of Tonawanda forward copies of this resolution to Governor Andrew Cuomo, Assemblyman Robin Schimminger, Senator Marc Panepinto Assembly and Senate Majority and Minority Leaders as well as Communications Workers of America, District 1.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

68. By Councilmember Rautenstrauch seconded by Councilmember Gilbert

Whereas, the City of Tonawanda plans to repair a section of the Niagara River Sheet Piling located in the general vicinity of the confluence of the Niagara River and Tonawanda Creek; and

Whereas, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law;

Now, therefore be it resolved that the City of Tonawanda hereby determines that the proposed Niagara River Sheet Piling Repair is a Type II action in accordance with 6 NYCRR Section 617.5 (c) (1) which constitutes the maintenance or repair involving no substantial changes in an existing structure or facility and is therefore not subject to review under 6 NYCRR Part 617.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

69. By Councilmember Smilinich seconded by Councilmember Gilbert

Resolved, at the recommendation of the City Engineer, Jason J. LaMonaco, P.E., that the award of Mini-System 14 Amendment 2 be made to GHD Consulting Engineers, LLC, at a cost not to exceed \$79,700.00

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

70. By Councilmember Rautenstrauch seconded by Councilmember Toth

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

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

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

Now, therefore be it resolved that an annual stipend of \$4000.00 for Account Clerk Typist Christine Hameister be approved effective March 11, 2016- though December 31, 2016.

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

Resolution declared adopted

71. By Councilmember Smilinich seconded by Councilmember Gilbert

Resolved, at the recommendation of the City Engineer, Jason J. LaMonaco, P.E., that award of Phase 7 Engineering Services be made to GHD Consulting Engineers, LLC, at a cost not to exceed \$377,500.00.

Funding/Fiscal Impact: \$377,500.00 from the 2016 Sewer Bond

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

Resolution declared adopted

Police Captain Fredric Foels- These were not ever in the codebook. We are taking the one out about the 15 minute sign located in front of the dog place. We did talk with her and she had no issue with it. So, it would take out that single sign about 15 minute parking on Young Street just north of Scott Street.

71. By Councilmember Gilbert seconded by Councilmember Rautenstrauch

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 March 4, 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 2. STOPPING, STANDING AND PARKING, Section 62-197. Schedule XIX: Time limit standing of the Tonawanda City Code which now reads as follows:

In accordance with the provisions of section 62-120, no person shall stand a vehicle for longer than the time limit shown upon any of the following described streets or parts of streets:

<i>Name of Street</i>	<i>Side</i>	<i>Time Limit; Hours/Days</i>	<i>Location</i>
Clinton Street	South	2 hours; 9:00 a.m. to 9:00 p.m. /All except Sundays and holidays	From Broad Street to a point 256 feet east thereof
Fletcher Street	South	2 hours; 9:00 a.m. to 9:00 p.m. /All except Saturday and Sunday	From Riverview Avenue to School Street
Minerva Street	South	2 hours	From a point 60 feet to a point 92 Feet west of Delaware Street
Parking Lot No. 8		2 hours; 9:00 a.m. to 9:00 p.m. /All except Sundays and holidays	
Syracuse Street	North	2 hours; 9:00 a.m. to 9:00 p.m.	From a point 254 feet west of Maldiner Avenue to a point 696 feet thereof
Young Street	North	2 hours	From a point 225 feet to a point 661 feet west of Delaware

Young Street	West	15 minutes; 6:00 a.m. to 6:00 p.m. /ALL	92 feet north of Scott Street
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Shall be amended to read as follows:

<i>Name of Street</i>	<i>Side</i>	<i>Time Limit; Hours/Days</i>	<i>Location</i>
Clinton Street	South	2 hours; 9:00 a.m. to 9:00 p.m. /All except Sundays and holidays	From Broad Street to a point 256 feet east thereof
Fletcher Street	South	2 hours; 9:00 a.m. to 9:00 p.m. /All except Saturday and Sunday	From Riverview Avenue to School Street
Minerva Street	South	2 hours	From a point 60 feet to a point 92 Feet west of Delaware Street
Parking Lot No. 8		2 hours; 9:00 a.m. to 9:00 p.m./All except Sundays and holidays	
Syracuse Street	North	2 hours; 9:00 a.m. to 9:00 p.m.	From a point 254 feet west of Maldiner Avenue to a point 696 feet thereof
Young Street	North	2 hours	From a point 225 feet to a point 661 feet west of Delaware

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

Councilmember Rautenstrauch- The Cystic Fibrosis Walk is an annual walk for the past five years. I just would like to bring to people's attention that Cystic Fibrosis is something that affects people in our community. I've been involved with it because a close friend of mine has suffered with this the last five years. It is near and dear to my heart. The past five years it has become a family matter. It has done a lot to raise more importance for us to get more involved in it. It's a great event. If you can please help support it for people in need. It would greatly be appreciated.

72. By Councilmember Rautenstrauch seconded by Councilmember Smilinich
 Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk for the Cystic Fibrosis Foundation for their annual Tonawanda Great Strides Walk 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 of the above named event must be coordinated with Parks and Recreation Director Amanda Lofft and the event Chairperson, now, therefore be it Resolved, that permission be granted to the Cystic Fibrosis Foundation to hold Tonawanda Great Strides Walk on Saturday, May 21, 2016 beginning at 9 AM and further
 Resolved, that Certificate of Insurance naming the City of Tonawanda as additional insured be filed with the City Clerk no later than May 1, 2016.

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

Resolution declared adopted

73. By Councilmember Toth seconded by Councilmember Koch

Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk for Lindsay's Legacy 5K Run 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 of the above named event must be coordinated with Parks and Recreation Director Amanda Lofft and the event Chairperson, now, therefore be it

Resolved, that permission be granted for Lindsay's Legacy 5K Run on Saturday, November 12, 2016

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

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

Resolution declared adopted

74. By Councilmember Gilbert seconded by Councilmember Toth

Resolved, that the appointment of Sanford Belsky that was extended to March 31, 2016, be extended an additional 90 days, at a salary of \$22.64 per hour, not to exceed 19 hours per week, and be it further

Resolved, that this individual is entitled to the provisions provided in the Personnel Policy Manual for Group 8 employees.

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

Resolution declared adopted

COMMENTS BY THE PUBLIC AFTER RESOLUTIONS

City Assessor Judy Tafelski- Good evening! I am Judy Tafelski, The City of Tonawanda Assessor. I just wanted to thank the council for the recognition of Christine Hameister. She is very valuable employee in our office. Thank you for acknowledging her.

COMMENTS BY THE COUNCILMEMBERS AFTER RESOLUTIONS

Councilmember Gilbert- I have nothing.

Councilmember Smilinich- I have nothing tonight.

Councilmember Rautenstrauch- I have nothing.

Councilmember Toth- I have nothing as well.

Mayor Davis- Thank-you Madame President. Happy Easter Everyone!

Council President Koch- Happy Easter! Happy St. Patrick's Day! That's all I have. Thank-you very much and have a good night.

ADJOURNMENT

75. By Councilmember Smilinich seconded by Councilmember Gilbert
Resolved, that this Common Council adjourn until April 5, 2016.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

City Clerk

Mayor

Date Filed