

Council Chambers
Tonawanda, New York
March 21, 2017

A Regular Meeting of the Common Council

Present: Council President Koch
Present Councilmembers: Gilbert, Rautenstrauch, Toth
Excused: Councilmember Smilinich
Pledge of Allegiance led by Council President Koch
Prayer led by Associate Chaplain Bill Miles

COMMUNICATIONS FROM THE MAYOR

COMMUNICATIONS FROM CITY OFFICIALS AND CORRESPONDENCE

The following monthly reports were received by the City Clerk:
Civil Service Monthly Minutes from January- December 2016 / January óMarch 2017
Communication from John W. Dorn, Town of Tonawanda regarding Moratorium on
Communications Towers, Monopoles and Antennas
Communication from Frank Berrafato expressing interest in entering a partnership with
the City for operating the Niawanda Pavilion
Communication from Assessor Judy Tafelski in regards to the Highland School Project
being completed in May with a June 1 occupancy expected.
Request for Resolution from City Engineer Jason LaMonaco, P.E. re change order # 1 for
Intermodal Hub
Request for Resolution from City Engineer Jason LaMonaco, P.E. re change order # 2 for
Intermodal Hub
Memo from Fire Chief Stuart with changes to Fire Rolls in 2016
Comprehensive Revenue & Expenditure Control Report as of 3/21/17 from City
Treasurer, Joseph Hogenkamp

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.

William Miles, Fire Chaplain ó I am the chaplain of the Tonawanda Fire Department and am speaking on the resolutions 7,8,9, and 10. I personally want to thank the council for the allotment for the four volunteer fire companies so that we can continue to provide volunteer fire service for the City of Tonawanda. I just wanted to thank you on behalf of all four volunteer companies. Thank-you.

MOTIONS AND RESOLUTIONS

53. By Councilmember Gilbert seconded by Councilmember Toth

Resolved, that the reading of the resolutions be waived.

Ayes: Gilbert, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

54. By the Council seconded by the Council

Resolved, that Resolution #50 from the Common Council Meeting on March 7, 2017, is amended to remove Tonawanda Gateway Harbor and read as the application was received by the City Clerk from Team Up to Clean Up.

Ayes: Gilbert, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

55. By the Council seconded by the Council

Resolved, that the Common Council minutes from March 7, 2017, be accepted as amended.

Ayes: Gilbert, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

56. 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, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

57. By Councilmember Gilbert seconded by Councilmember Rautenstrauch

Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk from the Erie Canal Fishing Derby for their Annual Erie Canal Fishing Derby and

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

Whereas, permission is further granted to erect a banner across Main and Broad Streets to promote the event,

Resolved, that permission is granted to the Erie Canal Fishing Derby to hold their Annual Erie Canal Fishing Derby along the canal on Wednesday, July 5 through Sunday, July 16, 2017 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 28, 2017.

Councilmember Gilbert- Madam President, the Fishing Derby is always a huge success. I know John White runs it. It is always a huge turnout. There are people all the way across Niawanda Park with it. I think everybody should take a chance and get down there and see it. It really is a good event. Thank-you.

Ayes: Gilbert, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

58. By Council President Koch seconded by Councilmember Toth

Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk from Bonnie MacIver-Mariani for the Annual Lindsayø Legacy 5K Run

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 Tonawanda Police Captain Fred Foels and Amanda Lofft, Parks and Recreation Director and the event chairperson, now, therefore be it

Resolved, that permission is granted to Lindsayø Legacy to hold their annual Lindsayø Legacy 5K Run on Saturday, November 11, 2017 and,

Resolved, that a Certificate of Insurance naming the City of Tonawanda as additional insured be filed with the City Clerk no later than November 4, 2017.

Council President Koch- I have a comment. I just want to thank all the organizers for Lindsayø Legacy. This is their eleventh or twelfth year that they have been doing this in the City of Tonawanda and I went to school with Lindsay. I think one year Mr. Gilbert and I participated as well. I hope that we all partake in this. But I want to thank them for their commitment to the City.

Ayes: Gilbert, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

59. By Councilmember Rautenstrauch seconded by Councilmember Gilbert

Resolved, that Janine Drmacich is named a Commissioner of Deeds for the City of Tonawanda, term to expire December 31, 2018.

Ayes: Gilbert, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

60. By the Council seconded by the Council

Resolved, that the Mayor be authorized and directed to sign the following agreement:

THIS AGREEMENT, made the 1st day of April, 2017, by and between the CITY OF TONAWANDA, a municipal corporation, situate with the County of Erie and State of New York hereinafter called the "CITY" and the DELAWARE HOSE COMPANY #2, a volunteer fire company organized and existing within the City of Tonawanda, hereinafter called "COMPANY".

WITNESSETH:

WHEREAS, the said Company furnished fire protection to said City and maintains facilities and personnel to answer calls and fire alarms for the protection and preservation from fire of life and property.

NOW, THEREFORE, in consideration of the covenants and agreements hereinafter set forth, the parties hereto agree as follows:

1. The Company agrees to maintain and furnish at all times, protection from fire of life and property in the City of Tonawanda and to maintain and furnish the services of the volunteer members of said companies in so protecting life and property.

2. The City agrees to make payments to said Company in the following manner:

The sum of \$6,500.00 payable on the first day of April, 2017.

Councilmember Gilbert- Madam President? Can you just give an outline of 7,8,9,10 so we can go through those real quick?

Council President Koch- Yes, Resolution #7 is for Delaware Hose Company. It's for the Volunteer Fire Company. The City is going to make payments to the company in the amount of \$6,500.00 payable on the first day of April that's for fire protection.

Councilmember Gilbert- It goes towards training and equipment.

Council President Koch- Yes, training and equipment.

Ayes: Gilbert, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

61. By Council seconded by Council

Resolved, that the Mayor be authorized and directed to sign the following agreement:

THIS AGREEMENT, made the 1st day of April, 2017, by and between the CITY OF TONAWANDA, a municipal corporation, situate with the County of Erie and State of New York hereinafter called the "CITY" and the NATIONAL HOSE COMPANY #1, a volunteer fire company organized and existing within the City of Tonawanda, hereinafter called "COMPANY".

WITNESSETH:

WHEREAS, the said Company furnished fire protection to said City and maintains facilities and personnel to answer calls and fire alarms for the protection and preservation from fire of life and property.

NOW, THEREFORE, in consideration of the covenants and agreements hereinafter set forth, the parties hereto agree as follows:

1. The Company agrees to maintain and furnish at all times, protection from fire of life and property in the City of Tonawanda and to maintain and furnish the services of the volunteer members of said companies in so protecting life and property.

2. The City agrees to make payments to said Company in the following manner:
The sum of \$6,500.00 payable on the first day of April, 2017.

Ayes: Gilbert, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

62. By Council seconded by Council

Resolved, that the Mayor be authorized and directed to sign the following agreement:

THIS AGREEMENT, made the 1st day of April, 2017, by and between the CITY OF TONAWANDA, a municipal corporation, situate with the County of Erie and State of New York hereinafter called the "CITY" and the NIAGARA HOSE COMPANY #3, a volunteer fire company organized and existing within the City of Tonawanda, hereinafter called "COMPANY".

WITNESSETH:

WHEREAS, the said Company furnished fire protection to said City and maintains facilities and personnel to answer calls and fire alarms for the protection and preservation from fire of life and property.

NOW, THEREFORE, in consideration of the covenants and agreements hereinafter set forth, the parties hereto agree as follows:

1. The Company agrees to maintain and furnish at all times, protection from fire of life and property in the City of Tonawanda and to maintain and furnish the services of the volunteer members of said companies in so protecting life and property.

2. The City agrees to make payments to said Company in the following manner:
The sum of \$6,500.00 payable on the first day of April, 2017.

Ayes: Gilbert, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

63. By Council

seconded by Council

Resolved, that the Mayor be authorized and directed to sign the following agreement:

THIS AGREEMENT, made the 1st day of April, 2017, by and between the CITY OF TONAWANDA, a municipal corporation, situate with the County of Erie and State of New York hereinafter called the "CITY" and the UNION HOOK & LADDER COMPANY #1, a volunteer fire company organized and existing within the City of Tonawanda, hereinafter called "COMPANY".

WITNESSETH:

WHEREAS, the said Company furnished fire protection to said City and maintains facilities and personnel to answer calls and fire alarms for the protection and preservation from fire of life and property.

NOW, THEREFORE, in consideration of the covenants and agreements hereinafter set forth, the parties hereto agree as follows:

1. The Company agrees to maintain and furnish at all times, protection from fire of life and property in the City of Tonawanda and to maintain and furnish the services of the volunteer members of said companies in so protecting life and property.

2. The City agrees to make payments to said Company in the following manner:
The sum of \$6,500.00 payable on the first day of April, 2017.

Ayes: Gilbert, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

64. By Councilmember Rautenstrauch

seconded by Councilmember Gilbert

Resolved, at the recommendation of City Engineer Jason J. LaMonaco, P.E., that award of Change Order No. 1 to the Intermodal Hub construction contract be made to Milherst Construction, Inc., at a cost not to exceed \$18,386.25.

Funding/Fiscal Impact: \$18,365.25 from City Bond

Ayes: Gilbert, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

65. By Councilmember Gilbert

seconded by Councilmember Toth

Resolved, at the recommendation of City Engineer Jason J. LaMonaco, P.E., that award of Change Order No. 2 to the Intermodal Hub construction contract be made to Milherst Construction, Inc., at a cost not to exceed \$59,997.65.

Funding/Fiscal Impact: \$59,997.65 from ECWA

Ayes: Gilbert, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

66. By Council President Koch

seconded by Councilmember Gilbert

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, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

COMMENTS BY THE PUBLIC AFTER RESOLUTIONS

Chris Hirstetter, 149 Dartwood Drive, Cheektowaga- Mayor regarding the plan to perhaps close Young Street and turn it into docks; I don't oppose a green space. I am a member of the Inner Harbor Yacht Club, life long member. It's tough to get in and out of there already. It's a safety hazard with these children on these bikes that come up on boats and literally have an accident at times striking a boat of my own club because the kids are going out in front of them. You try to stop a twelve ton boat with no brakes. So it makes me a little leery about safety concerns. It's a little crazy and it's narrow as it is. We have docks off the creek and all the people with houses, we have restaurants that are existing. When I go down now half the canal wall is empty and I don't see a need for more docking. You will block them in and basically making a cluster of what exists as it is. That's pretty much all I have to say. Thank you.

Lynn Casal, 69 Grant Street- Last year I brought this up. I don't for the life of me understand why we have the meetings in this little, tiny room when there is not enough seating for people beforehand. Then we move the main meeting out here. Then we go back and squeeze back into the little room. Is there any way we are considering having it just like we do now for discussing because you have microphones in front of you and we can hear what you are saying. We can sit and actually be comfortable rather than standing out in the hallway. Would you not consider changing it to be more conducive to the public?

Council President Koch- We can certainly discuss that. Thank-you for your comment.

COMMENTS BY THE COUNCILMEMBERS AFTER RESOLUTIONS

Councilmember Gilbert- I don't remember if I thanked every Department Head, DPW, Fire, and Police for all the work they did during the power outage. I would like to take the opportunity to thank all you guys for that. The work was amazing. You guys kept everything safe. I know I saw the Police Department doing major patrols around throughout that time. I know that everybody worked hard to keep everybody safe. I just want to take the chance to say thank-you to everybody.

Councilmember Toth- I would like to thank the Department Heads as well especially the DPW with the snow last week. I would also like to thank the Mayor for sticking with our parking ban. We were one of the few municipalities that for some reason had a meteorologist sitting next to us that he knew we were going to get some snow. I just want to thank them and I know it was a tough couple of days for everyone in the City to get through but all the departments did a great job. Thank you.

Councilmember Rautenstrauch- Normally, I don't continue repeating after everybody else but I think its well worth it. I think everybody did a great job and it was very appreciated. Thank-you as well.

Mayor Rick Davis- I would also like to express my sincere appreciation to both National Grid and our Fire and Police employees for organizing during the power outage. We were ready to go with a warming shelter if necessary but thankfully National Grid was able to bring the power back on before we could institute the warming shelter. It was a nice training activity for us. My hats off to them. Also, to everyone involved with the heavy snowfall, the DPW crews were working around the clock to get the streets plowed. So, I appreciate their efforts. I would also like to thank the residents for reaching out to my office in response to the Property Task Force that I am looking to institute. So far, I have received ten letters. I'll give it about another week to receive additional letters before the Task Force sits down and figures out who best to put on that board. Finally, I would like to thank Lieutenant Sheehan who was here all weekend babysitting the power transfer with City Hall and the generator. I know he worked a lot of hours and we will be subbing him out to other municipalities for generator work in the future. Thank you Madam President.

Council President Koch- I want to thank Miss Dan Vear at Riverview for allowing me to come and speak to her class. We read the Dr. Seuss book, "Oh the Places that You Will Go". The class voted that Monday was going to be "Ice Cream Monday". I just want to thank her for that. It was wonderful. Wine on the Water is happening on April 28. For

tickets you are going to want to call the Parks/ Rec Department. It has been said up here but a shout out to the DPW, Police, and Fire for their response with this winter storm we had. And with that said, Happy Spring! We are going to go into Executive Session in there. So let them open up the doors to finish business. Thank you for coming.

ADJOURNMENT

67. By the Council seconded by the Council
Resolved, that this Common Council adjourn until April 4, 2017.

Ayes: Gilbert, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

City Clerk

Mayor

Date Signed