

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

Silent Prayer led by Associated Chaplain Dortha Schweitzer

Presentations

Mayors Proclamation for Arbor Day

Mayor Rick Davis- Every year we celebrate Arbor Day here in the City. It not only keeps our status as a Tree City USA but our Parks/Rec Department also has a fun little coloring contest for the kids. We pick one individual from each grade one through five and have them come up and get a cool prize. This year some lucky bamboo but I have to read my boring stuff first.

City of Tonawanda

In celebration of Arbor Day

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and,

WHEREAS, The holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and,

WHEREAS, Arbor Day is now observed throughout the nation and the world; and,

WHEREAS, Trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and,

WHEREAS, Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and,

WHEREAS, Trees in our City increase property value, enhance the economic vitality of business areas, and beautify our community; and,

WHEREAS, Trees are a source of joy and spiritual renewal wherever they are planted.

NOW, THEREFORE BE IT RESOLVED, that City of Tonawanda Mayor, Rick Davis, does hereby proclaim Tuesday, May 16, 2017 as:

“Arbor Day”

In Witness Wherefore, I have here unto set my

Hand and Signature on this day, May 16th, 2017

RICK DAVIS

MAYOR OF CITY OF TONAWANDA

Arbor Day Kids Coloring Contest Awards

Amanda Lofft, Parks/Rec Director- With that said, this comes upon us every year so we will announce our winners from K through Five. The lists of winners are Kindergarten- Madeline Donofrio, 1st Grade- Sophia Barrett, 2nd Grade- Leonora Bogunovic, 3rd Grade- Aiden Ashcroft, 4th Grade- Kyle Klimkiewicz and 5th Grade- Rebecca Oates.

Remembering Vietnam Memorial Recognition

Councilmember Jackie Smilinich- Over ten years ago the Vietnam, I sat down in Chapter (77) with Paul Pietrowski and Dennis Smilinich and we were talking about building a monument. We talked about a jeep. We talked about a plane. We talked about a tank. Then we said no, we are going to get a helicopter and we laughed. I thought it was never going to happen. Dennis (Smilinich) went home and they called everyone that they knew for a helicopter. And low and behold, nine or ten years later, they own a helicopter. We've given Tonawanda something we should be proud of. That helicopter sits up there at the highest point in the City to greet everybody that passes our waterway and one of our main streets bringing them into the City. We've done a great job with the legacy. This Council, the residents of the City, people from all over the Country will come and we appreciate it. We have just a small token of our appreciation for you (The Vietnam Nam Helicopter Memorial Committee).

Mayor Rick Davis ó Really, eighteen months ago when you guys secured the Helicopter you guys were considering a few sites in and around the City and you allowed me to come in and pitch not only the City but the entrance to Veterans Park as the final resting place for a Viet Nam Memorial . I want to thank you all for believing in the City but I also feel it is very befitting that we honor you for all the work that you have done before Memorial Day, the whole reason why that Helicopter Memorial is up there. We want to call each one of you up, one by one and if would stay up here, we may not be as orderly as the kids were but we'll try to get everybody in here for a picture.

Councilmember Smilinich called the following to the dais to receive their presentation from the Mayor and Common Council:

Peter DiVirgilio, William St. Jean, Eric Reimer, Thomas Thompson, Thomas Konopka, Ronald Staskiewicz, Edward Bodine, William Paton, Robert Sargis, Daniel Brady, Paul Pietrowski, Michael Walker, President, Dennis Smilinich, Chairman.

Mayor Davis ; I just want to point out one thing that everybody standing up here is part of the Executive Committee that was responsible for bringing the Helicopter and I want to read the letter that went with their certificate of appreciation.

On behalf of the Council, myself, and the residents of the City of Tonawanda, I would like to thank you for your participation and hard work on the Remembering Vietnam Memorial. The conscientious efforts you exhibited will have a positive and lasting affect on this community and everyone who visits this significant memorial. I am pleased to honor you with this certificate of appreciation. Thank you for all that you do for our City.

*Sincerely,
Rick Davis
Mayor*

Council President Jenna Koch ó Thank you Jackie for taking the initiate and putting this together, that was beautiful.

Councilmember Smilinich ó Thank you for allowing me to present.

COMMUNICATIONS FROM THE MAYOR

Letter to Crystal Kipa appointing her to the Visual and Performing Arts Board, term to expire December 31, 2019

Letter to Lynn LeBar appointing her to the Visual and Performing Arts Board, term to expire December 31, 2019

Letter to Sharon Moore appointing her to the Visual and Performing Arts Board, term to expire December 31, 2019

COMMUNICATIONS FROM CITY OFFICIALS AND CORRESPONDENCE

Communication from City Treasurer Joseph Hogenkamp regarding Risk Control
Recommendations from Travelers Insurance
April Activity Report of the Fire Department
May Minutes of the Tonawanda Civil Service Commission
Notice of Board of Appeals Public Hearing on May 22, 2017 at 6:30 P.M. for a Variance
Request for 10 Bouck Street to modify existing chain link fence to solid fence
Notice of Board of Appeals Public Hearing on May 22, 2017 at 6:30 P.M. for a Variance
Request for an addition at 341 Wheeler Street
Notice of Board of Appeals Public Hearing on May 22, 2017 at 6:30 P.M. for a Variance
Request for a variance to install a 6 foot fence along rear side yard
Referred to the Committee of the Whole
Ordered filed

COMMENTS BY THE PUBLIC ON RESOLUTIONS

No comments by 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

113. 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

114. By the Council seconded by the Council
Resolved, that the Common Council minutes from May 2, 2017, be accepted as filed.

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

Resolution declared adopted

115. 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

116. By the Council seconded by the Council
WHEREAS, the title of this Resolution/Ordinance has been published at least once in a newspaper of general circulation, on May 3, 2017, in accordance with Section 2.047 of the City Charter.

NOW, THEREFORE, BE IT RESOLVED, that Chapter 78 Waterways; Article 1. TONAWANDASøGATEWAY HARBOR CORRIDOR BOAT DOCK RULES AND REGULATIONS; Sec. 78-5. Docking time period. which now reads as follows:

It shall be unlawful and a violation of this article for the owner/operator of any boat, vessel or other conveyance to dock, moor or anchor overnight at any public dock located within the Gateway Harbor Park without a paid permit from the harbor master. There is a maximum of five days per stay. Boaters may not return until after seven consecutive days have passed.

Shall be amended to read as follows:

It shall be unlawful and a violation of this article for the owner/operator of any boat, vessel or other conveyance to dock, moor or anchor overnight at any public dock located within the Gateway Harbor Park without a paid permit from the harbor master. There is a maximum of five days per stay. Boaters may not return until after seven consecutive days have past. In the event that the owner/operator of any boat, vessel or other conveyance wishes to extend their stay beyond the allotted five days, the harbor master or his/her designee is hereby authorized to issue additional permits, if and only if space is available.

BE IT FURTHER RESOLVED, that Chapter 78 Waterways; Article 1. TONAWANDASøGATEWAY HARBOR CORRIDOR BOAT DOCK RULES AND REGULATIONS; Sec. 78-6. Special events permit and special events. which now reads as follows:

The mayor is hereby authorized and directed to issue a special events permit to any owner/operator of any boat, vessel or other conveyance for docking use, at no fee, and for a period of time to be determined by the mayor.

The harbor master or his/her designee is hereby authorized and directed to not issue docking permits when an event is being held in the corridor where safety is a factor in the funning of the event.

Shall be amended to read as follows:

The mayor is hereby authorized and directed to issue a special events permit to any owner/operator of any boat, vessel or other conveyance for docking use, at no fee, and for a period of time to be determined by the mayor.

The harbor master or his/her designee is hereby authorized and directed to not issue docking permits when an event is being held in the corridor where safety is a factor in the funning of the event.

Special paid docking permits may be issued during special events within the harbor. The harbor master or his/her designee is hereby authorized to issue a special event docking permit to any owner/operator of any boat, vessel or other conveyance for docking use, for a pre-determined fee and period of time. During Canal Fest, there shall be a special paid permit issued to anyone wishing to dock in the harbor for the duration of that event. This will be a ten day paid permit and will start the Thursday before Canal Fest begins.

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.

Councilmember Gilbert- Madam President, could you give us a brief synopsis of what this does?

Council President Koch- It increases the fees for the Gateway Harbor Corridor boat docks. It was recommended by Mandy Lofft.

Mayor Davis- Mandy Lofft made the recommendation. The City of North Tonawanda is going to do the same thing. But the fees increase five dollars per day for a boat to dock and ten dollars for an overnight across the board.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

117. By Councilmember Gilbert seconded by Councilmember Rautenstrauch
Resolved, at the recommendation of the City Engineer, Jason J. LaMonaco, P.E., that award of Phase 8 Engineering Services be made to GHD Consulting Engineers, LLC, at a cost not to exceed \$372,700.00.

Funding/Fiscal Impact: \$372,700.00 from the Sewer Bond

Council President Koch- I have a comment. This is the next phase of our sewer project. It's a cost not to exceed \$372,700.00.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

118. By Councilmember Smilinich seconded by Councilmember Gilbert
Resolved, that the 2017 General Fund Budget be amended to account for Federal Grant Funds received and expended in 2017 from the United States Department of Criminal Justice Services for the Byrne JAG Award. (2014 Award #BJ14637398) Funds expended and received in Fiscal Year 2017.

EXPENSE 001-3120-202	Police Dept Equipment	ADD
\$4,435		
REVENUE 001-0001-4008	Federal JAG Grant	ADD \$4,435
NET BUDGET EFFECT		-\$0

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

119. By the Council seconded by the Council
WHEREAS, back in 2011 the City Council instituted an Anti-Nepotism Policy which is set forth in Section 4.11 of the Personnel Benefits and Policy Manual for City of Tonawanda Employees; and

WHEREAS, the Common Council has now determined that it is in the City's best interest to amend portions of the Anti-Nepotism Policy, more specifically, Sub. Section 2. entitled Policy and Sub. Section 3. entitled Definitions;

NOW, THEREFORE, BE IT RESOLVED, that Sub Sec. 2 entitled Policy, which now reads as follows:

2. Policy

- 2.1 No City employee may supervise, hire, appoint, remove, or be in a position to discipline another family member of their family closer than their second cousin or their domestic partner. Furthermore, family members are prohibited from working in the same department of work unit if it creates a situation whereby one family member directly reports to, and is supervised by another family member.
- 2.2 No family member may audit the work activity of another family member.
- 2.3 Family members may not be placed in the City's organization structure whereby they both report to the same supervisor.
- 2.4 Administrative staff is prohibited from influencing the employment or employment administration of anyone who is a family member. Employment and employment Administration includes hiring, promotion, transfer, disciplinary action and termination.
- 2.5 Administrative staff is responsible for reviewing employment Administration and decisions within their organizational structure to ensure one family member is not responsible for administrative oversight of another family member.
- 2.6 If an individual serves as a City of Tonawanda elected official no member of that officials immediate family shall serve in the immediate Office of the elected official unless that individual held their position prior to the election or becomes a member of the family following the election.
- 2.7 The city reserves the right to take prompt action if any actual or potential conflict of interest arises involving family members who occupy positions at any level, whether higher or lower, in the same line of authority that might affect the employment decision.
- 2.8 Any individual or employee employed prior to the adoption of this policy statement by the Common Council is exempt.

Shall now read as follows:

2. Policy

- 2.1 No City employee may supervise, hire, appoint, remove, or be in a position to discipline another family member of their immediate family or their domestic partner. Furthermore, immediate family members are prohibited from working in the same Department of work unit if it creates a situation whereby one immediate family member directly reports to, and is supervised by another immediate family member.
- 2.2 No immediate family member may audit the work activity of another immediate family member.
- 2.3 Immediate family members may not be placed in the City's organization structure whereby they both report to the same supervisor.
- 2.4 Administrative staff is prohibited from influencing the employment or employment administration of anyone who is an immediate family member. Employment and employment Administration includes hiring, promotion, transfer, disciplinary action and termination.
- 2.5 Administrative staff is responsible for reviewing employment Administration and decisions within their organizational structure to ensure one immediate family member is not responsible for administrative oversight of another immediate family member.
- 2.6 If an individual serves as a City of Tonawanda elected official no member of that officials immediate family shall serve in the immediate Office of the elected official unless that individual held their position prior to the election or becomes an immediate member of the family following the election.
- 2.7 The city reserves the right to take prompt action if any actual or potential conflict of interest arises involving immediate family members who occupy positions at any level, whether higher or lower, in the same line of authority that might affect the employment decision.
- 2.8 Any individual or employee employed prior to the adoption of this policy statement by the Common Council is exempt.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that Sub Sec. 3 entitled Definition, which now reads as follows:

3. Definitions

- 3.1 Family Member - an individual who was related by blood or marriage or whose relationship is that of a relative closer than a second cousin.
- 3.2 Administrative Staff - Mayor's office and department heads and directors.
- 3.3 Departmental Work Unit - a component of a City department defined and organized by specific work activity and responsibilities and supervised by a departmental supervisor in the direct chain of command responsible to that department head.

Shall now read as follows:

3. Definitions

- 3.1 Family Member - an individual who was related by blood or marriage.
- 3.2 Immediate Family Member ó includes parents, spouses, domestic partners, siblings and children.
- 3.2 Administrative Staff - Mayor's office and department heads and directors.
- 3.3 Departmental Work Unit - a component of a City department defined and organized by specific work activity and responsibilities and supervised by a departmental supervisor in the direct chain of command responsible to that department head.

BE IT FURTHER RESOLVED, that all other Sections of said Personnel Benefits and Policy Manual for City of Tonawanda Employees shall remain unchanged and in full force and effect.

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

Resolution declared adopted

- 120. By Councilmember Gilbert seconded by Councilmember Toth
 Resolved that Michael R Young and Denise J Young, 252 Adam Street Tonawanda be appointed Commissioners of Deeds in and for the City of Tonawanda, Term to expire December 31, 2018.

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

Resolution declared adopted

- 121. By Councilmember Toth seconded by Councilmember Gilbert
 Whereas, a Special Events application was received by the City Clerk from Cardinal O'Hara High School for their Hawk Walk,
 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 Cardinal O'Hara High School to hold their Hawk Walk on Friday, May 26, 2017 starting at 9:30 A.M.

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

Resolution declared adopted

COMMENTS BY THE PUBLIC AFTER RESOLUTIONS

No comments by the Public

COMMENTS BY THE COUNCILMEMBERS AFTER RESOLUTIONS

Councilmember Smilinich- I have nothing tonight thank you.

Councilmember Toth- I just want to thank our Arbor Day winners. It's always nice seeing the kids come in and get their awards here each year on Arbor Day in our town. I would also like to thank Councilwoman Smilinich for putting together the ceremony prior. And also the Vietnam Veterans for their hard work and dedication on that really awesome monument. As was said earlier, it is a great welcome sight as people pass into the City.

Councilmember Rautenstrauch ó I would like to reiterate Mr. Toth's comments, congratulations to the Arbor Day Winners, also extend a thanks for what the VVA Chapter 77 has done with this monument. It is really great to have this in our own backyard. It is a great place to have a memorial, I personally got a memorial brick to my own father and it's nice to have a touch stone in my own backyard to remember him by. In addition to that, I would also like to mention as I mentioned at the last Council Meeting, that this weekend, Saturday, I will be participating in the Cystic Fibrosis Walk. It benefits some local families, a friend of mine, very close to me whose daughter suffers from Cystic Fibrosis. It's to help her out and people like her in our own community. As of the past couple of weeks I found this effects me even more personally with someone in my own family so it means a lot more to me so. I encourage anyone to come on out. Starts in around 9:00 AM is check in. It will be all day, there is some raffles and tickets and food and bands and it should be a good time. You can participate and support by walking or look out for some of the posts on Facebook helping out with some donations if you can as well. Thanks to some friends that have already donated, I appreciate it immensely.

Councilmember Gilbert ó I just really want to thank the Arbor Coloring Contest winners. To the committee for the Helicopter, the VVA Committee that was ten years of hard work and commitment and it's great to see that it's here in the City of Tonawanda at the highest point and it is something to see at night as well. If you go by at night, it is really something to see and I encourage everybody to go by at night, not only during the day. This past weekend we had opening day at TALL. Senator Jacobs came out and threw out the first pitch but what was nice to see is he took some time, he met a lot of the kids and he just grabbed a couple of random kids and started just playing catch. He spent about an hour playing catch with the kids and you don't see that a lot out of everyday politicians so it was nice to see and I will say this, he made it all the way to the plate and our illustrious Mayor skipped it off the plate I think that's what happened. But it was a great day and a great event although we did miss the VVA doing the color guard but the Boy Scouts picked it up and my son was honored and blessed to raise the POW Flag keeping in mind all the POW's and MIA's that are out there and he was really honored for that. It was something special to him and was nice to see.

Mayor Rick Davis ó I would also like to thank TALL for letting me throw out the first pitch even if it was in the dirt.

I am excited about our first community and housing strategy task force meeting next week . A bunch of people getting together trying to figure out what we can do about Zombie homes, foreclosure registry, landlord registry, so I am very excited about what's going to come from that Task Force.

Main Street Program is looking for volunteers, if you are a community minded individual, we'd love to have you. Give my office a call and we will get you in contact with the Main Street Program.

Tomorrow, small business seminar in the Community Room downstairs from 9 to 11 am. I'd like to thank the TEAL Project, they help raise awareness for sexual assault and try to decrease the stigma attached with reporting sexual assault. They asked me to participate in their walk and be a guest speaker so we walked from the entrance at Isle View to Serenity Garden which is the sexual assault domestic violence garden that is in Isle View Park. Really want to thank them for inviting me to be their guest speaker.

Also, VFW of Erie County's 83rd Convention, I was invited to be a guest speaker. I'd like to thank Commander Willard for inviting me there to talk about my military service and my work to try to end Veterans Homelessness here in Western New York.

Yesterday, the City of Tonawanda and Clark Patterson Lee received an Excellence in Planning award from the Western New York American Planners Association. I'd like to thank Clark Patterson Lee, our LWRP steering committee, but more importantly all the residents who came out for the various public meetings and tactical events that we had along the water associated with that project.

I'd like to thank County Executive Mark Poloncarz and Erie County Legislator Kevin Hardwick on purchase of a Senior Van that we took ownership of last week in a nice key sharing ceremony.

Last but not least, Memorial Day on the 28th, at 11:30 AM on the Renaissance Bridge followed by the Memorial Day Parade which will start at Central School and actually will end up behind City Hall at 2:00 PM with the hopes of next year having the Parade Route go up Niagara Street to the brand new Memorial, Viet Nam Memorial in Veteran's Park so hope to see everyone there.

City Clerk

Mayor

Date Filed