

Council Chambers  
Tonawanda, New York  
November 17, 2015

A Regular Meeting of the Common Council

Present: Interim Council President Gilbert  
Present Councilmembers: Smilinich, Hall, Koch

Pledge of Allegiance led by Interim Council President Gilbert

Prayer led by Associate Fire Chaplain Rick Oates

Mayor Rick Davis- Judy Tafleski, she comes to us all the way from Grand Island, New York. Wonderful thing, we were able to get a shared services agreement between us, Grand Island and The Town, where Grand Island was gracious enough to share their fine assessor with us. So, we welcome her. She comes very qualified and I look forward to working with her over the next two years. All of you know will get to know her very well come tax time. So, thank-you Judy!

Assessor Judy Tafelski- Thank-you!

Interim Council President Gilbert- On behalf of the Council, welcome Judy. Thank-you for helping us out and being our assessor.

Assessor Tafelski- Thank-you!

**COMMUNICATIONS FROM THE MAYOR**

A letter from the Historical Society of the Tonawandas, dated October 29, 2015, asking that various repairs be made to the Historical Society Building at 113 Main Street.

Ordered filed

**COMMUNICATION FROM CITY OFFICIALS AND CORRESPONDENCE**

The following monthly reports were received by the City Clerk:

October Activity Report of the Fire Department

Comprehensive Revenue & Expenditure Control Report as of 11/17/15

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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**COMMENTS BY THE PUBLIC ON RESOLUTIONS**

There were no comments by the public on the resolutions.

**MOTIONS AND RESOLUTIONS**

251. By Councilmember Hall seconded by Councilmember Koch  
Resolved, that the reading of all the resolutions tonight be waived.

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

Resolution declared adopted

252. By Council seconded by the Council  
Resolved, that the Common Council minutes from November 3, 2015, be accepted as filed.

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

Resolution declared adopted

253. By Councilmember Hall seconded by Councilmember Koch  
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: Smilinich, Hall, Koch, Gilbert  
Nays: None

Resolution declared adopted

254. By Councilmember Hall seconded by Councilmember Smilinich  
Resolved, at the recommendation of the City Engineer, Jason J. LaMonaco, P.E., that award of Change Order No. 2 to the Phase 3 SSES Sanitary Sewer and Manhole Rehabilitation project be made to Kandey Company, Inc., at a net credit of \$57,595.08.

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

Resolution declared adopted

255. By Councilmember Smilinich seconded by Councilmember Hall  
Resolved, that this Common Council adopt the General Fund, Water Fund and Sewer Fund Operating Budgets for the fiscal year commencing January 1, 2016, making appropriations to conduct City Government and further be it

Resolved, that the Budgets that were presented at a Public Hearing on October 20, 2015, are hereby adopted as amended and revised and that the several amounts as set forth be and are hereby appropriated for the objects and purposes specified in the 2016 operating budgets on file in the Office of the City Clerk.

Councilmember Smilinich- Could you explain what this is?

Interim Council President Gilbert- This is the General Fund, Water Fund, and Sewer Fund operating budgets for the year 2016, moving forward.

**Total General Fund Budget**

Property Tax Levy	\$ 10,980,143.00
Taxable Assessment	\$637,442,550.00
Property Tax Rate per \$1,000 Taxable Assessed Valuation	17.225305

Total Water Fund Budget \$ 133,901.00

Total Sewer Fund Budget \$ 2,536,649.00

Ayes: Smilinich, Hall, Koch, Gilbert

Nays: None

Resolution declared adopted

256. By Councilmember Hall seconded by Interim Council President Gilbert  
Resolved, that the City of Tonawanda Common Council adopt the Five Year Capital Program for the period January 1, 2016, through December 31, 2020, and be it further

Resolved, that the Capital Program lists all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing and further be it

Resolved, that the Five Year Capital Program that was presented to the Common Council on October 1, 2015, and at a Public Hearing on October 20, 2015, and was available for inspection in the Office of the City Clerk from that time until

Ayes: Smilinich, Hall, Koch, Gilbert

Nays: None

Resolution declared adopted

257. By Councilmember Koch seconded by Interim Council President Gilbert  
Whereas, the City is currently in the midst of developing a new Local Waterfront revitalization Plan (LWRP) and for that project, and as required, the Mayor established the Waterfront Advisory Committee (WAC), and, the WAC functions as the Steering Committee for the LWRP work and

Whereas, the City is set to begin the City's Comprehensive Plan development process and it too calls for a Steering Committee; and

Whereas, that Committee is required to be appointed by the Common Council and

Whereas, the LWRP focuses on our waterfronts and adjacent areas, while the Comprehensive Plan incorporates the LWRP but goes beyond its geographic area, covering the whole of the City and

Whereas, given the integrative and complimentary nature of the two plans' development processes, it would be most efficient and effective to have the same members on both steering committees, now, therefore be it

Resolved, that the Common Council appoints those members of the LWRP WAC to the Comprehensive Plan Steering Committee and should the composition of the former change, such changes will also be made to the latter and be it further

Resolved, that the Comprehensive Plan Steering Committee be made immediately.

Ayes: Smilinich, Hall, Koch, Gilbert

Nays: None

Resolution declared adopted

258. By Councilmember Koch seconded by Councilmember Hall  
WHEREAS, Notice of the Council's proposed action has been published once a week for two successive weeks in an official newspaper of general circulation, more specifically, The Buffalo News, on November 3, 2015 and November 11, 2015, in accordance with Section 106-91 of the City Code of the City of Tonawanda; and

WHEREAS, it is necessary for both James Street and Gibson Street to be altered-extended and dedicated as public highways so as to accommodate the redevelopment of The Spaulding Commerce Park;

NOW, THEREFORE BE IT RESOLVED that James Street, which currently runs from Franklin Street to Wheeler Street with a current width of 28 feet and a length of .13 mile shall now be altered-extended and dedicated as a public highway running additionally from Wheeler Street to Gibson Street with a width of 30 feet and a length of .12 mile; for a total length for James Street of .25 mile; and

BE IT FURTHER RESOLVED THAT Gibson Street, which currently runs from Niagara Street to Dodge Drive with a current width of 30 feet and a length of .71 mile, shall now be altered-extended and dedicated as a public highway running additionally

from Dodge Drive to James Street, this portion of Gibson Street shall be one-way, with a width of 15 feet and a length of .06 mile and further continue from James Street to Hackett Drive, with a width of 30 feet and a length of .21 mile; for a total length for Gibson Street of .98 mile.

Ayes: Smilinich, Hall, Koch, Gilbert

Nays: None

Resolution declared adopted

259. By Councilmember Smilinich seconded by Councilmember Koch  
WHEREAS, the City is currently in the midst of developing a new Local Waterfront Revitalization Plan (LWRP), and, as Clark, Patterson, Lee is under contract by the City to lead the completion of that plan and

WHEREAS, the City is set to begin the City's Comprehensive Plan development process and

WHEREAS, given the integrative and complimentary nature of the two plans' development processes, it would be most efficient and effective to have the same firm under contract to perform both plans, now, therefore be it

RESOLVED, that Mayor Rick Davis be authorized by Council to enter into a contract with Clark, Paterson, Lee for the development of the Comprehensive Plan.

Ayes: Smilinich, Hall, Koch, Gilbert

Nays: None

Resolution declared adopted

260. By Councilmember Smilinich seconded by Councilmember Koch  
WHEREAS, the County desires to make available to the residents of the City of Tonawanda, transportation and escort services to high risk elderly, to and from medical, nutritional, financial, social, shopping and personal needs appointments; and

WHEREAS, the County agrees to provide said transportation by providing the City of Tonawanda with a twelve (12) passenger Chevrolet van; now, therefore be it

RESOLVED, that Mayor Rick Davis is hereby authorized and directed to execute the proposed Erie County Department of Senior Services Program Contract, regarding transportation and escort services, on behalf of the City for the period running from January 1, 2016 to December 31, 2016. A copy of said contract is on file in the Office of the City Clerk.

Ayes: Smilinich, Hall, Koch, Gilbert

Nays: None

Resolution declared adopted

261. By Councilmember Smilinich seconded by Councilmember Hall  
WHEREAS, the Vietnam Veterans of America Chapter 77 has acquired a Cobra helicopter and wishes to erect a Vietnam Veteran's Memorial in the area; and

WHEREAS, Mayor Rick Davis has been in discussions about securing a location with VVA Chapter 77 within the City limits for the memorial; now therefore be it

RESOLVED, that this Common Council authorizes Mayor Rick Davis to enter into an agreement with VVA Chapter 77 to secure the Vietnam Veteran's Memorial here in the City of Tonawanda, to include location, maintenance and City assistance during the construction process.

Ayes: Gilbert, Smilinich, Hall, Koch

Nays: None

Resolution declared adopted

262. By Council seconded by Council  
Whereas, Section 4.05 of the City of Tonawanda Personnel Benefits and Policy Manual, entitled Code of Ethics subsection 2.11, entitled Appointing Members now reads as follows:

The Common Council President shall create a Board of Ethics and appoint three members to the Board to review all complaints that have been submitted in writing to the

Board and the Board will review and investigate all complaints and issue an opinion on the complaints. In accordance with the Board a majority of the members shall not be City of Tonawanda employees or officers of the City of Tonawanda. The Common Council President shall submit three names to the Council for approval who in turn will name the Chairman of the Board.

Shall now be amended in accordance with Section 808 of the New York State General Municipal Law to now read as follows:

The Common Council President shall create a Board of Ethics and appoint at least three members to the Board to review all complaints that have been submitted in writing to the Board and the Board will review and investigate all complaints and issue an opinion on the complaints. In accordance with the Board a majority of the members shall not be City of Tonawanda employees or officers of the City of Tonawanda. Such Board shall include a least one member who is an elected or appointed City officer or employee. The Common Council President shall submit at least three names to the Council for approval who in turn will name the Chairman of the Board.

Ayes: Gilbert, Smilinich, Hall, Koch

Nays: None

Resolution declared adopted

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#### **COMMENTS FROM THE PUBLIC AFTER RESOLUTIONS**

Jim Barber, President of the Tonawanda Professional Firefighters' Association is here to make a comment on the purchase of fire apparatus that is currently in question. Back in April and May we began the process, I came to the Council about this engine that we were in need of. The Council requested an evaluation of the department's fleet by the City mechanic and it was completed and turned back to the Council that two engines are needed, pretty much immediate replacement. One immediately. They gave the second one approximately a three year life span. The purchase of a fire apparatus is not like buying a car. You do not get the opportunity to go to the lot, pick out a car and drive it home. It's a nine month to one year process. We had on the table a resolution to bond a truck and another resolution to accept a bid for this apparatus that would be (inaudible). I understand there is a grant in process to cover the costs, I understand why we would want to do that. We have been applying for grants going back to 2006 for this engine, we've met with a ton of resistance and we continue to apply. The reason I'm bringing this up is with the three-year time limit we were given, we are now at the point where we need to purchase two engines consecutively to get this done in the time dealt without putting

additional stress on these apparatus. By the time we get the order placed, nine months to one year, we take the delivery, place the order for the second, the nine months to a year goes, we're at the three year point. Since the time of the original budget or bonding approval, the cost of the truck has gone up \$20,000. Waiting longer, we're going to hit another increase coming very shortly. This first engine that we will purchase will be the cheapest of the two. Once we get the budget here for 2017 you can count on an additional \$20,000 increase with an additional emissions cost that's coming as well. The next engine is projected to be \$480,000. Again, it is a year and a half away that we are going to get into that. We discussed options with the Treasurer and the Mayor where we can get this order placed and not have to hit the City budget for two years, but reserving the price we're at right now. I strongly encourage you guys to use whatever influence you have to speed up the process with Mr. Robin Schimminger or re-authorize this bond. We can't continue to sit and wait. Thank-you.

Interim Council President Gilbert- Thank-you Mr. Barber.

### **COMMENTS FROM THE COUNCILMEMBERS AFTER RESOLUTIONS**

Councilmember Smilinich - I'm going to pass.

Councilmember Hall - Mr. Barber, I know this situation very much and I definitely feel your pain. We will try to do much as we can. That's all I have.

Councilmember Koch - The Food Bank of Western New York recently announced that donations for this Thanksgiving season are down. If you have the means available, please consider donating to the BVA Food Pantry that's on Main Street, or the St. Francis Outreach program. They are both accepting donations and have over a hundred families on this list that they will be providing meals for on Thanksgiving. I would like to congratulate The Boys and Girls Club and former Parks & Rec Director Linda Foels. They will both be recognized by The Chamber of Commerce at an awards ceremony on Thursday, so congratulations to both of them. Next Tuesday, Mayor Davis and I will be present at the Senior Citizen Center to discuss the Army Corps of Engineers plans for our bandshell, so I encourage you to attend that meeting at 6:30p.m. and I'd like to wish all a Happy Thanksgiving!

Mayor Rick Davis - I would just like to give a quick update on the inner modal hub. On Wednesday we will be receiving a concept design from C&S that we will be able to show to the public as far as what we envision that area behind the Tonawanda Towers looking like once we get the funding hopefully here shortly on the construction of the inner modal hub. And once we receive funding on that construction, it will take place as part of the Rails to Trails extension in 2017. Ms. Koch commented about the landfill meeting. Again, three distinct proposals from the Army Corps and I implore anybody that wants more information to attend this meeting. I would like to thank the Council for the resolution on the VVA Chapter 77 Cobra helicopter. I believe that this will be a huge centerpiece up by Vets Park here in the City and hopefully, the VVA we will grace us with placing that helicopter, that memorial here in our wonderful city. I would also like to thank the Council for their support on moving forward with the Comp Plan. And I kind of have said this a few times, but it really is an unprecedented time in the history of our City where the two important planning documents, being the LWRP and Comp Plan, are being updated back to back, which in turn will lead to the total revamping of our very archaic zoning code here in the City. This will really bring us up to the 21<sup>st</sup> century, as far as what other communities are doing with their zoning code, but more importantly give us documents and public backing to be able to move forward with grants and projects that so many of other communities across Western New York are able to move forward on. So again, I thank them for their support. And I would like to lastly wish everybody a happy and safe Thanksgiving.

Interim Council President Gilbert - Over the last couple of weeks, there has been a couple of runs that have happened. One run was the Heroes Run which went through Niawanda Park. This past weekend was Lindsay's Legacy. I want to thank the Police Department, their guys were out there in force and they did a great job controlling the traffic and (inaudible). The winning time for Lindsay's Legacy, which there was over four hundred

people that ran the race, was fifteen minutes and seven seconds, around there. What was your time Ms. Koch?

Councilmember Koch - I finished third from last.

Interim Council President Gilbert - I thought I saw somewhere, you stopped at McDonald's.

Councilmember Koch - I was going to ask for a ride to the finish line.

Interim Council President Gilbert - Also at Lindsay's Legacy, the Tonawanda Cheerleaders were there in force cheering on every runner. They stood up there from beginning to the end and they cheered every runner on no matter if they were walking, running or whatever. It takes a lot of commitment from them and I want to thank Jessica Stuart and her group for being out there and cheering those people on. Lastly, I just want to reiterate that if you have any interest in the landfill or the area around it, you should be at that meeting and listen to what's going on and I'm sure Mr. Toth will be there as well. Have a great Thanksgiving and thanks for coming and get home safe.

**ADJOURNMENT**

263. By Councilmember \_\_\_\_\_ seconded by Councilmember \_\_\_\_\_  
Resolved, that this Common Council adjourn until December 1, 2015.

Ayes: Smilinich, Hall, Koch, Gilbert

Nays: None

Resolution declared adopted

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date Filed