

Council Chambers  
Tonawanda, New York  
October 18, 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 Council President Koch

Public Hearing  
2017 General, Water & Sewer Operating Budgets  
2017 Capital Plan

**COMMUNICATIONS FROM THE MAYOR**

**COMMUNICATIONS FROM CITY OFFICIALS AND CORRESPONDENCE**

The following monthly reports were received by the City Clerk:

September Activity Report of the Tonawanda Fire Department  
September Minutes of the Planning and Zoning Board  
Comprehensive Revenue and Expenditure Report as of 10/18/2016  
New York State Public Service Commission notice of Public Hearings regarding  
proposed Increases for National Fuel Gas delivery rates  
Communication from Jack E. Gallagher regarding rezoning of 618 Delaware Street

Referred to the Committee of the Whole  
Ordered filed

**COMMENTS BY THE PUBLIC ON RESOLUTIONS**

No comment by the Public on the 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.

**MOTIONS AND RESOLUTIONS**

241. By the Council seconded by the Council  
Resolved, that the Common Council minutes from October 4, 2016, be accepted as filed.

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

Resolution declared adopted

242. By Councilmember Smilinich seconded by Councilmember Gilbert  
Resolved, that the reading of the resolutions be waived.

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

Resolution declared adopted

243. By Councilmember Toth seconded by Council President 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: Gilbert, Smilinich, Rautenstrauch, Toth, Koch  
Nays: None

Resolution declared adopted

244. By Councilmember Rautenstrauch seconded by Councilmember Smilinich  
Resolved, that the residents of Elmwood Park West be given permission to close Elmwood Park West from Fletcher Street to Elmwood Park North on Monday, October 31, 2016 from 6:00 P.M. until 8:30 P.M. This will include closing entrances at Hill St, Fletcher St and Elmwood Park North per the recommendation of Captain Fred Foels, TPD.

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

Resolution declared adopted

245. By Councilmember Smilinich seconded by Councilmember Toth  
Resolved, at the recommendation of City Engineer Jason J. LaMonaco, P.E., that Council authorizes and directs the Mayor to enter into Municipal Agreement with the Erie County Water Authority to allow for reimbursement of costs associated with the waterline replacement on Koenig Alley.  
Funding/Fiscal Impact: Up to \$169,000 reimbursement from ECWA

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

Resolution declared adopted

246. By the Council seconded by the Council

WHEREAS, Local Law No. 1 for the year 2016 for the City of Tonawanda entitled:

A Local Law authorizing the City of Tonawanda to impose a property tax levy in excess of the limit established in New York State General Municipal Law Article 2, Sec. 3-c

was unanimously introduced by the Common Council on October 4, 2016, and laid upon each Council Member's desk for seven days, excluding Sunday; and

WHEREAS, proposed Local Law No. 1 for the year 2016 has been reviewed and deliberated upon by the Common Council;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council hereby approves and enacts Local Law No. 1 for the year 2016, attached hereto and made a part hereof.

**LOCAL LAW NO. 1 FOR THE YEAR 2016**

**A Local Law authorizing the City of Tonawanda to impose a property tax levy in excess of the limit established in New York State General Municipal Law Article 2, Sec. 3-c**

which provides that:

It is the intent of this Local Law to allow the City of Tonawanda to adopt a budget for the fiscal year commencing January 1, 2017, that requires a real property tax levy in excess of the tax levy limit as set forth in General Municipal Law Article 2, Sec. 3-c.

This Local Law is adopted pursuant to subdivision 5 of the General Municipal Law Article 2, Sec. 3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a Local Law approved by a vote of sixty percent (60%) of said governing body.

The Common Council City of Tonawanda is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2017, that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Article 2, Sec. 3-c.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, individual, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

This Local Law shall take effect immediately upon filing with the Secretary of State.

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

Resolution declared adopted

247. By the Council seconded by the Council  
BE IT RESOLVED, that City of Tonawanda Mayor Rick Davis be authorized and directed to advertise and to hold a Public Hearing, pursuant to legal publication, regarding Local Law No. 1 for the year 2016, entitled:

A Local Law authorizing the City of Tonawanda to impose a property tax levy in excess of the limit established in New York State General Municipal Law Article 2, Sec. 3-c and

BE IT FURTHER RESOLVED, that this Public Hearing shall be held on Tuesday, November 1, 2016 at 7:00 P.M. in the City Hall, Common Council chambers, 200 Niagara Street, Tonawanda, New York.

Councilmember Gilbert- Madame President? Can the Mayor just tell us what the proposed tax levy cap is and why it needs to be raised?

Mayor Davis- For next year, the property tax cap is .6%, .6.7 %. and the proposed budget was 2.99.

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

Resolution declared adopted

## COMMENTS BY THE PUBLIC AFTER RESOLUTIONS

Bob Torregrossa, 32 Bellinger Drive- I have a petition here to change the stop sign at Baker. What they did that when we went through this thing a year or so ago they changed the stop sign was taken down a year or two ago at Baker Terrace. (Inaudible) Coming down Bellinger from Riverview School (inaudible) it is probably a quarter mile once they hit the corner they're taking off, they're hitting forty miles an hour. A lot of kids in the neighborhood at Riverview School and I think it is really something we need to take a strong look at. We've got petitions from everybody and I drew a map so I could give it to you and you could review it. Please take it seriously.

## COMMENTS BY THE COUNCILMEMBERS AFTER RESOLUTIONS

Councilmember Gilbert- I just want to thank the Police Department for a great job during the TNT game. They did a great job and no major issues. The game went on. It was a great game. We lost at the end but they played great. That's it for me Madame President.

Councilmember Rautenstrauch- I would like to thank Captain Foels and Chief Strassburg for their help on Elmwood Park for Halloween and their support. Looking forward to it being a little safer this year and I appreciate that.

Councilmember Toth- I would like to address Mr. Torregrossa again. I spoke with him on the phone and a couple other residents up there several times. I know they tried to get the speed display sign on and the radar car up there and it hasn't helped the situation so I am hoping the Traffic and Safety Board take another look at that stop sign especially in relation to where it is with the elementary school up there and I told him I would stay in communication with him as well on how we are doing with that. A couple of other things, I just want to congratulate Rob Hassett and Mike Young as their retirements are upon us after many years of dedication and service to the Tonawanda Fire Department for the residents of this city and the fine job they have done. It is a well deserved retirement for both of them and I would just like to congratulate them as well. But I would also like to thank Chief Strassburg and the officers of the Police Department, especially Bryan Lavey. Officer Lavey made a nice arrest last week down at the Gastown area. He was a vandal that is known to us in the past and I spoke with the director of the Regional Niagara Graffiti Task Force of the Buffalo area this morning. This young man has done thousands of dollars of damage in Buffalo that they are going to try to indict him on. So this is a nice thing for Officer Lavey working on this aggressively and I really appreciate it so good job.

Councilmember Smilinich called Chief Stuart up to present an award.

Chief Stewart- I would like to present this award to Councilman Charles Gilbert for his awesome performance in doing the certified physical fitness test at the Fire Department's Open House. He actually went through eight stations, remained conscious, and came within the ten minute 20 second mark which makes you officially (inaudible) which is pretty good so here you go .

Mayor Rick Davis- Thank-you Madame President. We were very successful in getting a \$150,000 grant to help with the zombie home epidemic that seems to be plaguing our area. So I am very anxious to get word from the State that we can start pushing forward on plan to help not only to address the zombie homes but also to help residents stay in their homes when they get that pre-foreclosure notice. Because a lot of residents seem to think that once they get that notice that they have to move out, which is not the case. There are many organizations out there that are willing to help residents to stay in their homes. So I am very excited about that. The Haunted Harbor, I would like to thank Parks/Rec and Mandy Lofft and the rest of the volunteers that put in making that event always a success. Trick or Treat hours, just a reminder from 5:30 P.M. to 8:30 P.M. on Halloween. This past Saturday we had Main Street Program meeting and I was very excited at the turnout that we had on a Saturday morning. It turned out to be a two and a half hour meeting and we filled up one side of the new Legion. So, very excited about the turnout and very excited about the prospects and want to thank all the residents for coming out to that meeting and for the Legion for hosting it. Pumpkin Day is this

Saturday at the Millstream Community Gardens from 10:00 A.M. to 2:00 P.M. The weather is probably going to be a little nasty so bundle up if you head out but please stop on by and check it out. TNT game, I'm proud of both teams. The way they played, it was a game until about five minutes left in the fourth quarter but the police did a great job of keeping order and as I said both teams played great. Niagara Street if you have noticed we started construction today on the section from Hinds to Two Mile Creek. We thank everyone for their patience as we improve that street to the Town line. Lastly, a lot of people, been a lot of negativity going around with the Presidential Election and every thing. So I would like to share a bit of good news is that Business First ranked The City of Tonawanda #1 in and all of Western New York for small cities. I will take it a step further, when you factor villages into it of our size we are #3 with the villages of populations of 15,000 or more. I could not be as far as for quality of life I should point out. I could not be more happy with an article like that coming out and I think it speaks volumes to everybody that we have in city government and also our school district that continue day in and day out to make Tonawanda a great place to live.

Council President Koch- I want to thank the Girl Scouts for inviting me to speak with their troop yesterday, it was great to get to know and meet some of our future leaders here in COT. I would also echo the sentiments, many of us up here, thanking the Parks/Rec, the Police Department and the community for showing up for our Haunted Harbor. It was great to see everyone in their costumes. I would also like to congratulate Hassett and Young on their future retirements and wish them all the best. With that said, we will be meeting in the Caucus Room for a little bit, Thank you very much.

