

Council Chambers
Tonawanda, New York
October 6, 2015

A Regular Meeting of the Common Council

Present: Council President Zeisz

Present Councilmembers: Gilbert, Smilinich, Hall, Koch

Pledge of Allegiance led by Council President Zeisz

Prayer led by Chief Fire Chaplain Sam Ciffa

Council President Zeisz- Okay, I would like to deviate from the usual order of business at this time, and I just ask for your patience. I have to make a decision, an announcement tonight. I am resigning from the Council effective tonight. I have moved to Pendleton since the last Council meeting. It's really difficult to walk away from something that I've done for so many years. Not only is it hard but I basically lived over fifty years of my life in the same two blocks. I mean I moved up all the way up to Sutley Court from Highland Avenue and I've lived in the one area forever. This is always going to be a part of me. There are a lot of people that I have to be thankful for. This is a position I always took, I was very grateful, and very honored and very proud to sit here all these years and thanks to a lot of people, I've been able to do that, and especially the residents that had the faith in me to keep me in office for twenty four years. I mean there are just too many people to thank. I've served with twelve Common Councils, five Police Chiefs, four Mayors, two Fire Chiefs, three Superintendents of Public Works, five City Engineers and just so many people that I've worked with, that I've made friends with. But there is some that I do have to thank. Of course, The City of Tonawanda Democratic Committee and Chairwoman, Gayle Syposs, have been very supportive of me all these years. And then there were three people that I really wanted to thank that I've had the opportunity to spend many years with. One of those is Joe Hogenkamp who I have been with the whole time. Joe was always a good friend and he taught me a lot about how the City operated financially. Having been here prior to Charter Revision when the Council had the power and the Mayor was a figurehead, really afforded me the opportunity to have a better understanding of City government and what we were up against. Joe's always been there and he's been a good friend. Ron Trabucco who has been here for twenty years with me, we have always worked side by side, very closely and you know it's been a great relationship. And then there's this woman next to me. Jan has been my friend, my confidant, been the one person I could always go to whether I wanted to complain about something in the City, complain about someone at a Council meeting, it just gave me somebody to talk to. And things have changed over the years, but we've done a lot of good things in the time that I've been here. A lot of things have changed. And having been here so long, there're things that have happened that I had never thought we'd ever get accomplished, and it's just been a great experience. The last group of people is the hardest. My parents, my mother's here tonight, my father passed away many years ago. My father worked for the City, he was part of the City committee, really gave me the impetus to want to do this. And also, that was one of things that really benefited me when I first got elected. I had known guys in the City since I was a kid. So I knew how the City operated. My Dad would bring me along, I got to go into the departments and I just knew kinda like how things went. And then my in-laws, Adeline, and Joe has since passed away, they've been very supportive all these years. And of course, the rest of my family who is always there to help me, my daughter Heather, her husband Jeff. Heather and my wife Paula, they made a lot of sacrifices over the years. Things are not like they used to be. There were a lot of nights, as some people could attest to, we'd leave here at 1:00 A.M. in the morning. That was a regular thing for the Council to be here all night because we did everything. We made the personnel decisions. We ran the entire City. Then over the years it's changed, but a lot of it has been predicated on what kind of business was before the Council too. But both Heather and Paula made a lot of sacrifices. My daughter was six years old when I started. She used to go into Jan's Office and hang out with her when I was in there, sit on her lap and play with the switchboard.

year out our fund balance should not be used for budgetary purposes as they've been viewed as short term fixes that provide zero financial stability moving forward. Overall this is a positive statement from what has been allocated from reserves to balance prior year budgets and is a most necessary reflection that the overall City finances need to be protected to maintain a sound financial position.

General Fund Expenditure Summary

The 2016 Budget anticipates the City's contribution to the New York State Retirement System to be \$1.63 million. This is a decrease of approximately \$189,000 from the 2015 budget. Generally this is attributable to reduced contribution rates and employee turnover.

The proposed 2016 budget attempts to maintain current levels of service while attempting to control budgeted overtime expense in the four largest departments. This budget proposal maintains current staffing levels across all departments. Total salaries in the General Fund budget approximate **\$9.47 million**, of which Police and Fire comprise **\$5.06 million**. Contractual agreements with all collective bargaining units expire at the end of 2016. Employee benefits total **\$6.7 million**. Personnel costs account for approximately **\$16.17 million**, or **78%** of total general fund expenditures. Health Insurance costs in the 2016 budget are projected at **\$3.89 million**. The proposed budget anticipates the potential retirements of approximately 10 employees across all departments. The City must continue to work aggressively with its current employees and retirees to control the cost of health insurance. The funding of this obligation is a constant work in progress. Personnel costs are the most significant component of the City's annual operating budget.

General Fund Debt Service for 2016 is approximately **\$1.4 million**. The proposed tax levy of \$10.75 million should leave the City within approximately \$2.8 million (23% below) of its Constitutional Tax Limit, and in excess of \$20 million (48% below) our Constitutional Debt Limit.

The proposed **Sewer Fund Budget** is approximately \$2.54 million. A five percent rate increase from \$5.44 to \$5.70 per thousand gallons is anticipated to fund this budget increase. This will increase the minimum annual charge from \$217.60 to \$228.00 annually. *The Sewer Fund began 2015 with a fund balance of \$390,470.* The City's cost to the Town of Tonawanda for sewage treatment is projected to be almost \$1 million annually. The City is aggressively undertaking the terms of its consent order from the NYS DEC to invest approximately \$20 million into remediation of the Sanitary Sewer System and is the reason for a majority of the sewer rate increase. The multi million dollar future capital improvement is reflected significantly in the 2016 to 2020 five year capital budget. The City must anticipate future mandatory improvements to our sewage treatment system that will be dictated by federal/state environmental regulatory authorities. *This dictates future sewer rate increases and stresses the importance to maintain an overall sound financial position.*

2016-2020 Capital Budget Summary

The Five Year Capital Improvement Budget reflects a cumulative total of \$19.55 million in Sewer Remediation projects. Annual street paving projects and sidewalk replacements are approximately \$1,000,000 annually. 2016 includes remediation work and improvements to the Koenig Alley parking lot area for future development and vehicle and equipment replacements.

Overall Summary

When I was handed the projected budget it included over a 9% tax increase. Working hard with our infamous City Treasurer Joe Hogenkamp we were able to shave almost 3/4 of a million dollars off to get where we are today and for me to be comfortable with the budget I'm presenting to the Common Council tonight. It wasn't easy, but it's important for the public to see this is the cost of providing the services we all love and enjoy. There's a price to have police and fire at your door

in less than 5 minutes, trash picked up before noon, our parks being the envy of other communities, and all streets plowed within 4-6 hours after a storm. This budget walks the fine line between keeping those essential services moving forward and realizing that it's my fiduciary responsibility to ensure the city's overall financial solvency and stability moving forward. This is not a "bare bones" budget, but allows us as a city to maintain those services, repave city streets and sidewalks, and replace aging and antiquated equipment. You will be hard pressed to find much if anything of significance in this budget to cut that will not directly affect the services we provide right now. All of our city departments are minimally staffed as it is and I thank each and every man and woman that loves their job, represents the city, works hard, and also gives back to our community. I also thank my Department Heads for their input with this budget. It makes my job easier when you're surrounded by good people top to bottom. I think we can all agree that this is a special place to live. Thank you and God Bless.

COMMUNICATIONS FROM THE MAYOR

The Mayor's proposed 2016 General, Water and Sewer Fund Operating Budgets and 2016-2020 Capital Plan were presented to the Common Council.

A letter from River Edge HOA, Inc. dated August 17, 2015, stating that the River Edge Homeowners Association Board of Managers has approved Richard Slisz to be the liaison for the association.

A letter from Erie-Niagara Tobacco-Free Coalition, asking the Mayor to please consider adopting a tobacco-free policy for the City's parks, beaches and athletic fields.

Ordered filed

COMMUNICATION FROM CITY OFFICIALS AND CORRESPONDENCE

The following monthly reports were received by the City Clerk:

August Minutes of the Board of Appeals
August monthly activity report of the Fire Department
September Monthly Report of the Building Inspector
September Executive Minutes of the City Clerk
September Monthly Report of the City Clerk
September minutes of the Traffic & Safety Advisory Board
Referred to the Committee of the Whole

Ordered filed

A letter to Hardwood Real Estate from City Attorney Ron Trabucco, dated September 22, 2015, regarding the Option to Renew Lease between the City of Tonawanda and the Inner Harbor Yacht Club, Inc.

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.

- *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.*

COMMENTS BY THE PUBLIC ON RESOLUTIONS

Roger Puchalski, 478 Adam Street - I don't have an agenda but I see the item about the Assessor, where you're going to share the Assessor with Grand Island and The Town of Tonawanda. This is suppose to be a savings move to save costs but in the proposed budget, the expenses are increased. If you take a look at the City of Lackawanna and I don't know if they share their Assessor, but their budget for the Assessor is less then ours. Where is there a savings if the cost is increasing? Also, there is \$30,000 budgeted of the Assessors for 2016 for re-assessment project expenses. Are we going through re-assessment again?

Mayor Davis - Your second question has nothing to do with the resolution. The first question when I proposed my budget to the Council, the shared services agreement was not signed. So, moving forward I did not have either a resolution from the Council authorizing me to sign it, so I have to go with the number that was in place when the budget was first proposed. So once that agreement is in place, that number can and will go down.

Interim Council President Gilbert ó We have to prepare to hire somebody at a full-time position at the salary that's there. If we don't, when we have to hire somebody full-time, then we're gonna be shortfall in the situation if we couldn't come to an agreement, so we had to budget it in to make sure that we could fill the position and then now that the Mayor is going to be able to adjust it, then it will come back on the budget as that.

Mayor Davis ó It will be between a \$10,000 to \$15,000 savings to the taxpayers.

Acting Council President Gilbert ó Thank you, Mr. Puchalski. Any other comments?

MOTIONS AND RESOLUTIONS

225. By the Council seconded by the Council
 Resolved, that the Common Council minutes from September 15, 2015, be accepted as filed.

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

Resolution declared adopted

226. By Councilmember Smilinich seconded by Councilmember Koch
 Resolved, that the reading of all of the following resolutions be waived.

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

Resolution declared adopted

227. By Councilmember Hall seconded by Councilmember Smilinich
 WHEREAS, a Local Law No. 1 for the year 2015 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 September 15, 2015, and laid upon each Council Member's desk for seven days, excluding Sunday; and

WHEREAS, proposed Local Law No. 1 for the year 2015 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 2015, attached hereto and made a part hereof.

LOCAL LAW NO. 1 FO THE YEAR 2015

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, 2016, 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-five percent (65%) of said governing body.

The City of Tonawanda Common Council is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2016, that required 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 effective immediately upon filing with the Secretary of State.

Ayes: Gilbert, Smilinich, Hall, Koch

Nays: None

Resolution declared adopted

228. By Councilmember Hall seconded by Councilmember Koch
BE IT RESOLVED, that the 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 2015, 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, October 20, 2015, at 7:00 P.M. in City Hall Common Council Chambers, 200 Niagara Street, Tonawanda, New York.

Ayes: Gilbert, Smilinich, Hall, Koch

Nays: None

Resolution declared adopted

229. By Councilmember Smilinich seconded by Councilmember Koch
WHEREAS, Local Law No. 2 for the year 2015 for the City of Tonawanda entitled:

A Local Law authorizing the use of a Best Value Award methodology for purchase contracts (including contracts for service work, but excluding any

purchase contracts necessary for the completion of a public works contract pursuant to Article Eight of the Labor Law) may be awarded on the basis of best value, as authorized in Section 103 of the General Municipal Law and as defined in Section 163 of the Finance Law

was unanimously introduced by the Common Council on September 15, 2015, and laid upon each Council Member's desk for seven days, excluding Sunday; and

WHEREAS, proposed Local Law No. 2 for the year 2015 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. 2 for the year 2015, attached hereto and made a part of.

LOCAL LAW NO. 2 FOR THE YEAR 2015

A Local Law authorizing the use of a Best Value Award methodology for purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Article Eight of the Labor Law) may be awarded on the basis of best value, as authorized in Section 103 of the General Municipal Law and as defined in Section 163 of the Finance Law

which provides that:

Section 1. Name of the Local Law

This law shall be known as: "City of Tonawanda Best Value Contract Award Law"

Section 2. Findings and Intent

The State Legislature and Governor amended General Municipal law §103 on January 27, 2012, to provide local governments greater flexibility in awarding contracts by authorizing the award of purchase contracts, including contracts for service work on the basis of best value. The State Legislation requires County's with a population of less than one million to pass a Local Law authorizing the use of the best value award process.

Enactment of this legislature provides additional procurement options to localities in ways that may expedite the procurement process and result in cost savings. The "best value" standard for selecting goods and services vendors, including janitorial and security contracts, is critical in efforts to use strategic sourcing principles to modernize the supply chain and ensure that taxpayers obtain the highest quality goods and services at the lowest potential cost, while also ensuring fairness to all competitors.

The Federal Government, approximately half of the states and many localities have added best value selection processes to their procurement options, in recognition of these advantages. With the increased complexity of the goods and services that municipalities must obtain in order to serve taxpayers, it is critical to consider selection and evaluation criteria that measure factors other than cost in the strictest sense.

Taxpayers are not well served when a public procurement results in low unit costs at the outset, but ultimately engenders cost escalations due to factors such as inferior quality, poor reliability and difficulty of maintenance. Best value procurement links the procurement process directly to the municipality's performance requirements, incorporating selection factors such as useful lifespan, quality and options and incentives for more timely performance and/or additional services.

Even if the initial expenditure is higher, considering the total value over the life of the procurement may result in a better value and long-term investment of public funds. Best value procurement also encourages competition and, in turn, often results in better pricing, quality and customer services. Fostering healthy competition ensures that bidders will continue to strive for excellence in identifying and meeting municipalities' needs, including such important goals as the participation of small minority and women-owned businesses, and the development of environmentally-preferable goods and service delivery methods. Best value procurement will provide much-needed flexibility in

obtaining important delivery methods. Best value procurement will provide much-needed flexibility in obtaining important goods and services at favorable prices, and will reduce the time to procure such goods and services.

Section 3. Definitions

“Best value” means the basis for awarding contracts for services to the offerer which optimizes quality, cost and efficiency, among responsive and responsible offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offers that are small businesses or certified minority-or-women-owned business enterprises as defined in Subdivisions one, seven, fifteen and twenty of Section 310 of the Executive Law to be used in evaluation of offers for awarding of contracts for services.

Section 4. Requirements

- A. Where the basis for award is the best value offer, the Purchasing Agent shall document, in the procurement record and in advance of the initial receipt of offers, the determination of the evaluation criteria, which whenever possible, shall be quantifiable, and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.
- B. The Purchasing Agent shall select a formal competitive procurement process in accordance with guidelines established by the State Procurement Council and the County Procurement Policy and document its determination in the procurement record. The process shall include, but not limited to, a clear statement of need; a description of the required specifications governing performance and related factors; a reasonable process for ensuring a competitive field; a fair and equal opportunity for offerers to submit responsive offers; and a balanced and fair method of award. Where the basis for award is best value, documentation in the procurement record shall, where practicable, include a quantification of the application of the criteria to the rating of proposals and the evaluation results, or, where not practicable, such other justification which demonstrates the best value will be achieved.
- C. The solicitation shall prescribe the minimum specifications or requirements that must be met in order to be considered responsive and shall describe and disclose the general manner in which the evaluation and selection shall be conducted. Where appropriate, the solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by the City in its determination of best value.
- D. The Purchasing Agent shall develop procedures that will govern the award of contracts on the basis of best value. These procedures shall be included in the City Procurement Policy and reviewed annually by the City Legislature in conjunction with its annual review and approval of the City’s Procurement Policy.

Section 5. Severability

If any clause, sentence, paragraph, subdivision section or part of this Law or application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order of judgment shall be rendered.

Section 6. Effective Date

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

Ayes: Gilbert, Smilinich, Hall, Koch

Nays: None

Resolution declared adopted

230. By Councilmember Koch seconded by Councilmember Hall
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. 2 for the year 2015, entitled:

A Local Law authorizing the use of a Best Value Award methodology for purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Article Eight of the Labor Law) may be awarded on the basis of best value, as authorized in Section 103 of the General Municipal Law and as defined in Section 163 of the Finance Law

AND BE IT FURTHER RESOLVED, that this Public Hearing shall be held on Tuesday, October 20, 2015, at 7:00 P.M. in City Hall Common Council Chambers, 200 Niagara Street, Tonawanda, New York.

Ayes: Gilbert, Smilinich, Hall, Koch

Nays: None

Resolution declared adopted

231. By Councilmember Hall seconded by Councilmember Koch
Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk for Tonawanda Volleyball Car Wash, 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 for the above named event must be coordinated with Capt. Fred Foels and the event chairperson, now, therefore be it
Resolved, that permission be granted to Tonawanda High School Volleyball Program to hold a car wash in the police parking lot, on Saturday, October 17, 2015, and be it further

Resolved, that any overtime that is incurred during this event will be paid for by the Tonawanda High School Volleyball Program, and be it further

Resolved, that a Certificate of Insurance naming the City of Tonawanda as additional insured be filed with the City Clerk no later than October 12, 2015.

Ayes: Gilbert, Smilinich, Hall, Koch

Nays: None

Resolution declared adopted

232. By Councilmember Koch seconded by Councilmember Smilinich
WHEREAS, the City of Tonawanda (City) with the assistance from URS Corporation, has gathered information and prepared the Erie County, New York, Multi-Jurisdictional Hazard Mitigation Plan Update (the Plan); and
WHEREAS, the Plan has been prepared in accordance with the Disaster Mitigation Act of 2000, and
WHEREAS, the City is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and
WHEREAS, City Police, Fire and Emergency Management officials have reviewed the Plan and affirm that the Plan will be updated no less than every five years;
NOW THEREFORE, BE IT RESOLVED, by the City Common Council that the City of Tonawanda adopts the Erie County, New York, Multi-Jurisdictional Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan, and resolved to execute the actions in the Plan.

ADOPTED this 6th day of October, 2015 at the regular meeting of the City of Tonawanda Common Council.

Ayes: Gilbert, Smilinich, Hall, Koch

Nays: None

Resolution declared adopted

233. By Councilmember Smilinich seconded by Councilmember Koch
Resolved, that this Common Council authorizes Mayor Rick Davis to enter into a Shared Services Agreement with the Town of Grand Island and the Town of Tonawanda for use of the Town of Grand Island's Assessor, and be it further

Resolved, that once signed, a copy of this Shared Services Agreement will be on file in the Office of the City Clerk.

Ayes: Gilbert, Smilinich, Hall, Koch

Nays: None

Resolution declared adopted

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.*
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- *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.*

COMMENTS FROM THE PUBLIC AFTER RESOLUTIONS

Ron Pilozzi, 82 Clinton Street- I had the honor and privilege of working with Carleton Zeisz for over sixteen years. He was a class act, great guy to work with. The litmus test for Carleton was good for the City of Tonawanda. So, I just wanted to make this statement and wish him well and Paula well. Maybe we can annex Pendleton, I don't know. At any rate, I just wanted to make a public statement on public record that I enjoyed every minute working with Carl Zeisz.

Interim Council President Chuck Gilbert- Thank you Mr. Pilozzi. Anybody else?

Roger Puchalski, 478 Adam Street ó Has the City reached an agreement with Smoke On The Water regarding the right of way on the property because some trees were cut down?

Interim Council President Chuck Gilbert- There is a lease agreement in place, right Mr. Mayor?

Mayor Davis - Yes, there is an agreement in place.

Interim Council President Chuck Gilbert- Yes, from the Mayor.

COMMENTS FROM THE COUNCILMEMBERS AFTER RESOLUTIONS

Councilmember Smilinich- I'm not going to say anything about Carl because, I will talk to him later. Thank you to the Mayor, Mr. Hogenkamp, and everyone who worked on this proposed budget, which addressed many of the concerns that we have been expressing over the course of the last year that you cut and managed to keep the services we all have

come to rely upon and enjoy. I'd like to give a special thanks to Mandy and Kelly and company and along with the Fire Department for the time put in for making Fall Fest a success. It was probably the best ever. Hopefully it will continue. Job well done. Thank you Mr. President.

Councilmember Hall ó I would like to thank the Mayor and Mr. Hogenkamp for the job they did on the budget and especially the department heads. I know it's tough. You don't want to cut your budget you want to see it increase but you know we have to do with what we can afford and I would like to thank you for that. As far as Carleton Zesiz goes, I have had the privilege to work with him on the Council but I also worked with his father in the City when he brought Carleton around. I had a pleasure of talking to him when he was young, right up through sitting with him when I came on the Council and it was someone that I could call and talk to, he always answered and helped me through everything. So I know Carleton will be very missed in this City as he's dedicated his life to helping the City, so for that I thank him. Thank you.

Councilmember Koch ó Thank you to the Mayor, the Treasurer, all the Department Heads for putting the budget together. All their hard work did not go unnoticed, so thank you very much. This is Fire Prevention Week, check the batteries in your smoke detectors, stop, drop and roll that we put a message on Facebook, be alert, not just during this week, but everyday. I'd like to thank Erie County Executive Mark Poloncarz, as well as our Senior Citizen Commission for presenting Norma Mileham with the Erie County Senior Citizen of the Month for September. She was so surprised when they came to the monthly dinner and she was speechless, but I'd like to thank the both of them for presenting her a proclamation. I'd like to thank Carl, I know he's hiding in the back, for his service, I wish him and his family well. There's no doubt that he has left big shoes to fill for the next Council President. So thank you Carl for all that you've done, thank your family and I wish you all the best in this next chapter of your life.

Mayor Davis ó Niagara Street is supposed to be closed from 7:00 A.M. to 3:00 P.M. until Wednesday. However, there was an issue, actually two issues that popped up while the street was being resurfaced and sewers were being replaced and will require us to extend the closure of Niagara Street one more day to Kohler Street until Thursday from 7:00 A.M. to 3:00 P.M. so bear with us and everything will be done by the close of business on Thursday. I'd like to thank everybody for coming out for the developer meeting. You know, it was really heart warming to see the amount of people that we had here, whether you were for or against the project, to me it didn't matter. To see the amount of the public coming out when everybody leads busy lives, to come to a meeting, to become informed was very heart warming and I think we had two developers that are very interested in developing here in the City and I said this during the meeting and I'll say it again, there isn't any one piece of property that is the savior for the City. It's gonna take a combined effort of either expanding our tax base, cracking down on absentee landlords and financial institutions that let their properties fall in disarray, and the City controlling it's cost, moving forward. It's gonna take a combined effort; it isn't 40-some homes that are going to be built that are gonna save the City. So, again, thank you to everybody that came out. I know we've got two Red Socks fans here. Go Yankees. And lastly, certainly not least, when Carl started his political career, I was still in High School. That being said, when I was elected as 4th Ward Councilmember in 2006, Carl was somebody that I asked a lot of questions to, I looked up to as my mentor that I tried to emulate myself after when I was on the Council and I couldn't think of a better individual to do that and I'm very happy and honored to call Carl a friend and I wish him, Paula and all the rest of his family God speed in their endeavors in Pendleton as one door closes, another door opens. Thank you.

Interim Council President Gilbert ó I'm just gonna add that I'd like to thank Pastor Ciffa for coming in a doing the prayer and kind of a side note is, one of my neighbors, Mandy Sampson, came to the Council awhile ago and she wanted to turn a playground that was underutilized into a community education garden. The first steps were taken, I'd like to thank the DPW and Parks and Recreation for helping get that on its way. It will be a great thing for the kids in the community, people in the community to go to see different aspects of the flower garden, she wants to do a frog habitat, butterflies, it will really be a special place in the City of Tonawanda that many other places have and I just wanted to

thank her for that. I said a lot about Carl in the past. He's always been a friend and I can't really add anymore than what everybody else has said, so we'll adjourn from the floor tonight in his honor. Everybody, thank you for coming. Do I have a motion to adjourn?

