

Council Chambers
Tonawanda, New York
September 6, 2016

A Regular Meeting of the Common Council

Acting Council President- Gilbert
Present Councilmembers: Smilinich, Rautenstrauch, Toth
Excused: Council President Koch

Pledge of Allegiance and Prayer led by Associate Fire Chaplain Dorthea Schwietzer

Acting Council President Gilbert- We will not be going into Executive Session. We are changing the time to Resolution #7 for the Public Hearing. We will be holding that at 6:30 P.M. instead of 7:00 P.M. right here in the general meeting room. We will not be taking a break. We will be staying right here and have our meeting right after. As you can see there have been bid openings on the Intermodal Hub, actually quite a bit and the Niagara River Streambank Stabilization.

Bid Openings:
Intermodal Hub Facility, Phase 1

Friday, August 12, 2016
3:00 P.M.

Milherst Construction 10025 County Road Clarence Center, NY 14032	Total Bid \$1,005,000.00
Galbo Construction, Inc. 3576 S Benzing Road Orchard Park, NY 14127	Total Bid \$1,056,000.00
Scott Lawn Yard 5552 Townline Road Sanborn, NY 14132	Total Bid \$1,058,000.00
Mark Cerrone, Inc. 2368 Maryland Avenue Niagara Falls, NY 14305	Total Bid \$1,077,450.00
Oddo Construction Services, LLC 6399 Transit Road East Amherst, NY 14051	Total Bid \$1,090,376.00
R.B. Mac Construction Co. 6688 Lincoln Avenue Lockport, NY 14094	Total Bid \$1,101,000.00
Sicoli Construction Services, Inc. 4800 Hyde Park Boulevard Niagara Falls, NY 14305	Total Bid \$1,117,700.00
Louis Del Prince & Sons Inc. 580 Cayuga Road Cheektowaga, NY 14225	Total Bid \$1,144,000.00
Anastasi Trucking & Paving Co. 4430 Walden Avenue Lancaster, NY 14086	Total Bid \$1,176,900.00

Yarussi Construction, Inc.
5650 Simmons Avenue
Niagara Falls, NY 14304
Total Bid \$1,179,486.00

Pinto Construction Services, Inc.
1 Babcock Street
Buffalo, NY 14210
Total Bid \$1,229,867.00

Edbauer Construction
2790 Clinton Street
West Seneca, NY 14224
Total Bid \$1,249,500.00

Bid Opening:
Niagara River Streambank Stabilization
Thursday, September 1, 2016
10:00 A.M.

Yarussi Construction, Inc. \$324,000.00
5650 Simmons Ave
Niagara Falls, NY 14304

The Environmental Service Group, Inc \$332,900.00
177 Wales Ave
Tonawanda, NY 14150

Mark Cerrone, Inc \$360,765.00
2368 Maryland Ave.
Niagara Falls, NY 14305

Pinto Construction Services, Inc \$527,025.00
1 Babcock Street
Buffalo, NY 14210

Edbauer Construction \$541,450.00
2790 Clinton Street
West Seneca, NY 14224

Abscope Environmental, Inc \$822,650.00
6625 Selnick Drive
Elkridge, MD 21075

COMMUNICATIONS FROM THE MAYOR

None

COMMUNICATIONS FROM CITY OFFICIALS AND CORRESPONDENCE

The following monthly reports were received by the City Clerk:

July Report of the Board of Appeals

July Activity Report of the Fire Department

August Report of the City Clerk Monthly

August Report of the Building Inspector

Letter from Captain Fredric Foels regarding a remembrance ceremony planned on Sunday, September 11, 2016 for the Fifteenth Anniversary of 9/11/2001

Treasurer's Report listing overtime YTD thru 8/25/16

Referred to the Committee of the Whole

Ordered filed

COMMENTS BY THE PUBLIC ON RESOLUTIONS

Roger Puchalski, 478 Adam Street- On item #4 , the Intermodal Hub, have there been public hearings regarding the project?

Mayor Davis- This was discussed at the LWRP.

Roger Puchalski- That wasn't a public hearing.

Mayor Davis- That was a public meeting.

Roger Puchalski- (inaudible) you said it was a public meeting, but you said it was at the LWRP meeting not a public hearing.

Mayor Davis- It was a public meeting.

Roger Puchalski- I'm saying you're using community development allotted grant monies for what? According to The Hub, it says when using community development contract work you have to have a plan that encourages citizen participation (inaudible)

Mayor Davis- Yes, I did.

Roger Puchalski- There was no public hearing.

Mayor Davis- Yes.

Roger Puchalski- Will this project change (inaudible)

Mayor Davis- No.

Roger Puchalski- So this project will cost approximately \$200,000. I don't think that there is any plan that the City has on its table any existing master plan LWRP as for the Intermodal Hub. The Envision Tonawanda Group survey was unresponsive from citizens. Nobody asked for The Intermodal Hub. I doubt that most people realize that it's, I am going to call it a glorified restroom. And we are going to pay. Each citizen of this City, every man, woman and child their going to ask for \$15.00 total from each of the residents to build this structure that nobody asked for and the City is going to have to maintain and somebody go there and clean and fix it up when it falls down. That is a lot of money to spend on a project that nobody asked for. I don't think there has been enough public input regarding the project.

Mayor Davis- Mr. Puchalski, if I could comment. Would you rather pay \$750,000 to repave 4 ½ acres worth of parking lot?

Roger Puchalski- (inaudible)

Mayor Davis- I'm just saying would you rather pay \$50.00 per person?

Roger Puchalski- I would rather you make changes (inaudible) my comments are addressed to the council chair.

Mayor Davis- You are looking at me with your comments. You are not addressing them. You are looking at me as Mayor, commenting on me.

Acting Council President Gilbert- Mr. Puchalski, I will take it one step farther. The issue at hand is the Mayor came in and he came up with a plan to minimize the cost to the taxpayers to repave that entire area. By doing so, he saved the taxpayers over \$35.00 per person to do that. Now, granted is it a lot of money to do what is going? Yes, but everything we do, every road we pave is a lot of money. To do this the right way, the Mayor researched it. He found the best way he could and continued on with it. Now, I don't know where you're fishing for things but at the end of the day, I think the Mayor has done a good job with it. He saved the taxpayers a ton of money. If you ask the businesses on Main Street what they complained the most about is that whole entire area.

Roger Puchalski- I am not fishing for anything. I don't like it when a citizen comes up here and asks questions. (Inaudible) I think if you're going to (inaudible) a plan what you are going to do with the parcel and what is the long term plan. You haven't asked residents. You don't have a plan.

Acting Council President Gilbert- Thank you Mr. Puchalski.

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

207. By Council seconded by Council
Resolved, that the Common Council minutes from August 16, 2016, be accepted as filed.

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

Resolution declared adopted

208. By Councilmember Toth seconded by Councilmember Smilinich
Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk for the Buffalo Launch Club Fall Cruise
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 of the above named event must be coordinated with Parks and Recreation Director Amanda Lofft and the event Chairperson, now, therefore be it
Resolved, that permission be granted to the Buffalo Launch Club to hold their Fall Cruise on Friday, September 9, 2016 starting at 12 PM through Sunday, September 11 until 2 PM with all appropriate Dock fees to be paid and a Certificate of Insurance to be submitted prior to the event.

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

Resolution declared adopted

209. By Acting Council President Gilbert seconded by Councilmember Toth
Resolved, that the reading of Resolutions # 3- 7 be waived.

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

Resolution declared adopted

210. By Councilmember Rautenstrauch seconded by Councilmember Gilbert
Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk for TFC Cheerleading 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 Captain Fred Foels and the City Clerk, and the event chairperson, now, therefore be it
Resolved, that permission is granted to TFC Cheerleaders to conduct a car wash in the upper City Hall Parking lot on Saturday, September 10, 2016 from 11 am till 3 pm.

Acting Council President Gilbert- I have one comment. The Tonawanda Football Clinic Cheerleading Squad uses this as a big fundraiser. It pays for a lot of their things. Their cheering competitions and their uniforms and everything else that goes along with it. So if anyone can come out and support the cheerleaders I would appreciate it.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth

Nays: None

Resolution declared adopted

211. By Councilmember Smilinich seconded by Councilmember Rautenstrauch
Resolved, at the recommendation of City Engineer Jason J. LaMonaco, P.E., that award of the contract for Intermodal Hub construction be made to Milherst Construction, Inc., at a cost not to exceed \$1,143,000.00.

Funding/Fiscal Impact: \$425,000 from Greenway Grant
\$325,000 from CDBG
\$138,000 from ECWA
\$255,000 from City Bond

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth

Nays: None

Resolution declared adopted

212. By Councilmember Rautenstrauch seconded by Councilmember Smilinich
Resolved, at the recommendation of the City Engineer, Jason J. LaMonaco, P.E., that award of CDBG Sanitary Sewer Lining ó 2016 Change Order No. 1 be made to United Survey, Inc. at a cost not to exceed \$29,700.00.

Funding/Fiscal Impact: \$19,600.00 from CDBG
\$10,100.00 from Sewer Bond

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth

Nays: None

Resolution declared adopted

213. By Councilmember Toth seconded by Councilmember Smilinich
Resolved, at the recommendation of the City Engineer, Jason J. LaMonaco, P.E., that award of Niagara River Stream Bank Stabilization construction contract be made to Yarussi Construction, Inc. at a cost not to exceed \$324,000.00

Funding/Fiscal Impact: \$77,000 from EPF Project # 12N074-N4
\$228,570 from NYS EDAP # 4773
\$18,430 from City Bond

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth

Nays: None

Resolution declared adopted

214. By Council seconded by Council
Be it Resolved, that the City Clerk be authorized and directed to advertise for a Public Hearing to be conducted by the Common Council, pursuant to legal

publication, regarding the Re-Zoning of a portion of the premises located at 618 Delaware Street from R-2 General Residential District to zoning classification C-1A Neighborhood Shopping District;

Be it Further Resolved that this Public Hearing shall be held on Tuesday, September 20, 2016 at 6:30 P.M. in the City Hall, Common Council chambers, 200 Niagara Street, Tonawanda, New York.

Councilmember Smilinich- Could we just read what it is and the time and the date?

Acting Council President Gilbert- Sure.

City Clerk Gayle Syposs- Resolved, that a Public Hearing shall be held on Tuesday, September 20, 2016 at 6:30 P.M. in the City Hall, Common Council Chambers, 200 Niagara Street, Tonawanda, New York for the purposes of a rezoning application for 618 Delaware Street.

Councilmember Smilinich- Do we need to amend that to the courtroom?

City Clerk Syposs- This is the Common Council Chambers. That is what this is.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth

Nays: None

Resolution declared adopted

COMMENTS BY THE PUBLIC AFTER RESOLUTIONS

Nancy Paschen, 5 Main Street- I have a couple of questions. What about, how do you go about changing the charter?

Acting Council President Gilbert- A committee has to be put together of at least 9, 11. It's just a commission.

Nancy Paschen- (inaudible)

Acting Council President Gilbert- Correct, the council has not moved forward with it as of yet.

Nancy Paschen- The next thing is what is going on Main Street in Tonawanda?

Mayor Davis-The Main Street Program received the money about four months ago. The Board has been put in place. We hired a director of the Main Street Program. We are getting a website up and going. She has been going around to the businesses and introducing herself. Rome wasn't built in a day. It is going to take some time. There is a reason why it's funded for two years. She's establishing the rapport with the businesses and trying to figure out what their needs are and figure out the best plan of action moving forward based on what the needs are.

Nancy Paschen- Thank you.

Acting Council President Gilbert- Thank you, Ms. Paschen.

Jack Gallagher, 204 Dexter Street- I'm a bit disappointed that Mr. Paladino wasn't here this evening to speak with you folks about what I consider a major project. To my estimation, this is the first time that this council has even looked at this proposal and this is the only time the public has had to look at it. There is a public hearing coming up in two weeks. I think it behooves all of them to be a little more informed as to what is happening with this project before (inaudible).

Acting Council President Gilbert- Mr. Gallagher, real quick. We have seen the first set of drawings. That is the first time I have seen the second set of drawings after you asked for the revisions. We discussed it.

Jack Gallagher- I believe you (inaudible) work shop session.

Acting Council President Gilbert- We've had discussions among ourselves. Maybe not all the way through, but everybody is aware of what the plans are.

Jack Gallagher- I'm not sure you have. The council presents their views to the general public at a workshop session or a general session.

Acting Council President Gilbert- When we discussed the plans the first time and made the revisions, this is the first time we have had a chance to see them. I thought we did that well today. I tried to inform everybody all the changes and what was done.

Jack Gallagher- Brian had a couple of nice comments for you folks to hear. He mentioned about (inaudible) residential areas. I think this is something that (inaudible) the Common Council. Right now, it's 90 % green space in that section. (Inaudible) next to a residential area.

Acting Council President Gilbert- Mr. Gallagher, he also stated that there's a need. There's a timeline and a cost doing this graph that he is working on to show the need that the City is going to need going forward for the next five years. So it is a balance that we have to adjust, absolutely.

Jack Gallagher- What I also would like to say the council has more power than you guys even think you have. I think maybe if you guys could take these recommendations to Mr. Paladino as to what your opinion is with this process and I hope that you would do that.

Acting Council President Gilbert- I'm not going to speak for everybody up here. My idea is to see at the Public Hearing what the general public wants and make our recommendations based on that. Thank- you Mr. Gallagher.

COMMENTS BY THE COUNCILMEMBERS AFTER RESOLUTIONS

Councilmember Smilinich- The American Legion received their liquor license. They will be open for business I believe the end of this week. They will be open Thursdays, Fridays, Saturdays, and Sundays for football games. I also would like to thank the Police Department. My husband and I were up at the helicopter the other night where we go every night so he can look at it. One of the patrolman came up to see what we were doing up there. I appreciate that they do patrol the area and watch the building materials that are out there. Some of it is very expensive and I am passing this on from the guys. They really do appreciate the assistance that your patrolmen are giving them. That's it. Thank you.

Councilmember Rautenstrauch- Nothing.

Councilmember Toth- Mr. Gilbert, I would just like to remind the public on Sunday it will be the anniversary of September 11. This day is kind of special to me with friends of mine that are still in the Police Department and Fire Department. I hope that on Sunday morning that everybody takes a couple minutes to pause and remember what took place fifteen years ago. I also want to encourage the public to come out on Sunday night and join in the remembrance. It is a special day. I think that we need to pause and just give thanks for what we have; our Fire, our Police and the services that are out there. This is something that they deal with on a daily basis since September 11. It is a special day for me. I ask the public to take part in it as well.

Mayor Rick Davis- I just want to piggyback on what Councilmember Toth said about 911. We have a healing field also in North Tonawanda kicking off on the 9th of September running to the 11th of September. A little over 3,000 flags will be in Gratwick Park. Please take the time to stop down and see a sobering reminder of the events from fifteen years ago.

Acting Council President Gilbert- To piggyback on that again, the 911 holds a lot of memories for me as well. One of my best friends growing up was there as a sergeant in

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

Resolution declared adopted

City Clerk

Mayor

Date Filed