

Council Chambers  
Tonawanda, New York  
July 26, 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 Rev. Sam Ciffa

**Bid Openings:**  
**CDBG Sanitary Sewer Lining**

Wednesday, July 20, 2016

10:00 A.M.

**United Survey**

25145 Broadway Avenue

Oakwood Village, OH 44146

Total Bid \$109,000.00

**Skanex Pipe Services, Inc.**

753 Rowley Road, Suite 1

Victor, NY 14564

Total Bid \$118,850.00

**National Water Main Cleaning Co.**

25 Marshall Street

Canton, MA 02021

Total Bid \$123,485.00

**Yarussi Construction, Inc.**

5650 Simmons Avenue

Niagara Falls, NY 14304

Total Bid \$151,720.00

**Kandey Company**

19 Ransier Drive

West Seneca, NY 14224

Total Bid \$188,888.00

**Sidewalk Replacement 2016**

Wednesday, July 20, 2016

11:00 A.M.

**Yarussi Constuction, Inc.**

5650 Simmons Avenue

Niagara Falls, NY 14304

Total Bid \$105,255.00

**Millennium Construction**

3024 Niagara Falls Blvd.

North Tonawanda, NY 14120

Total Bid \$119,550.00

**CVF Inc.**

100 Burkhardt Avenue

Depew, NY 14043

Total Bid \$126,077.50

**COMMUNICATIONS FROM THE MAYOR**

No communications from the Mayor

**COMMUNICATIONS FROM CITY OFFICIALS AND CORRESPONDENCE**

Letter from City Judge Mark Saltarelli regarding Section 82-8444 of the City Code

Retirement Notice from Firefighter Timothy A Newman to Chief Chuck Stuart

Notice from Board of Appeals of Public Hearing on July 25, 2016 for Variance Request for 618 Delaware St, Tonawanda

Letter to City Attorney Ron Trabucco and Mayor Rick Davis with copies to the Common Council regarding Variance Request for 618 Delaware

Copy of Agreement between the City of Tonawanda School District and the City of Tonawanda for Security Services by The Tonawanda Police Department

Notice of Action in Supreme Court of the State of New York, County of Erie by the Holy Protection Orthodox Church as Plaintiff against Judy M. Trafalski, Assessor as Defendant

Notice from the New York State Department of Transportation, Office of Right of Way to City Engineer Jason LaMonaco for termination of the temporary easement on MAP(s): 3,6, PARCEL(s): 4,7,8 for the Niagara Street Culvert Project.

Referred to the Committee of the Whole  
Ordered filed

**THE FOLLOWING MONTHLY REPORTS WERE RECEIVED BY THE CITY CLERK**

June Report of the Tonawanda Fire Department  
July Minutes of the Traffic and Safety Board

**COMMENTS BY THE PUBLIC ON 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.

No comments by the public on resolutions.

**MOTIONS AND RESOLUTIONS**

Council President Koch- We are not going into Executive Session. We do have an added resolution for tonight. I will have our City Clerk read for the record.

City Clerk Syposs- Whereas, the Council is considering rezoning a portion of a parcel of vacant land commonly referred to as 618 Delaware Street

Whereas, this action requires a SEQR prior to the rezoning of the subject parcel

Now, therefore be it resolved that the City Engineer, Jason LaMonaco is authorized and directed to locate the proper Engineering firm and or Law firm to prepare the SEQR at a cost not to exceed \$2500.00

Be it further resolved, that Mayor Rick Davis is hereby authorized and directed to enter into and execute the necessary contract regarding the above stated SEQR.

181. By Council seconded by Council  
Resolved, that the Common Council minutes from July 5, 2016, be accepted as filed.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

182. 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

183. By Councilmember Smilinich seconded by Councilmember Gilbert  
Resolved that resolution #174 adopted July 5, 2016 regarding the Consolidated Funding Application be rescinded due to a necessary amendment.

Mayor Davis: We rescinded the resolution dealing with our Consolidated Funding Application for the expansion and replacement of docks along the canal and creek. We received word that that project would not be viewed as favorably by the State as new construction would be so we decided to do a modification to our grant application and include the LWRP drawings and project for Niawanda Park which includes a two tier pier extending out into the river and along with a pier that will be behind the City Hall/Police Station along with the expansion and replacement of docks on the canal and creek.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

184. By Councilmember Smilinich seconded by Councilmember Rautenstrauch  
Resolved, That Rick Davis, as Mayor of the City of Tonawanda, is hereby authorized and directed to file an electronic Consolidated Funding Application for funds in accordance with the endorsement standards set forth by the New York State Regional Economic Development Councils, in an amount no less than 50% of the approved funding. Upon approval of said funding and approval by resolution by the Tonawanda Common Council, the Mayor is authorized to enter into and execute a project agreement with the State for such financial assistance to the City of Tonawanda for the proposed Waterfront Dock Expansion Project through the New York State Department of State Local Waterfront Revitalization Program.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

185. By Councilmember Toth seconded by Councilmember Gilbert  
Resolved, that the reading of resolutions #5 - #11 be waived.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

186. By Councilmember Gilbert seconded by Councilmember Smilinich  
Resolved, at the recommendation of the City Engineer, Jason J. LaMonaco, P.E., that the award of the contract for CDBG Sanitary Sewer Lining- 2016, be made to United Survey, Inc at a cost not to exceed \$109,000. Bid results on file in the Office of the City Clerk.

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

Resolution declared adopted

187. By Councilmember Toth seconded by Councilmember Rautenstrauch  
Resolved, at the recommendation of the City Engineer, Jason J. LaMonaco, P.E., that award of the contract for Sidewalk Replacement ó 2016 be made to Yarussi Construction, Inc. at a cost not to exceed \$105,225.00. Bid results on file in the Office of the City Clerk.

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

Resolution declared adopted

188. By Councilmember Gilbert seconded by Councilmember Koch  
Resolved, that the residents of Ilion Street begin given permission to close Ilion Street between Maldiner Street and Amsterdam Street on September 10, 2016 from 1:00 P.M. till 11:00 P.M to conduct a block party.

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

Resolution declared adopted

189. By Councilmember Toth seconded by Councilmember Gilbert  
Resolved, The City of Tonawanda Common Council has reviewed the proposed Inter-Municipal Shared Service Agreement between the City of Tonawanda and Niagara County for Stormwater Management Coordinator services, approves the terms and conditions in that Agreement, approves providing Stormwater Management Coordinator services to Niagara County for the sum contained in the Agreement on file in the City Clerks office and authorizes the Mayor to execute said Agreement.

Council President Koch: This is a cost savings for the city at approximately \$15,000.00

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

Resolution declared adopted

190. By Councilmember Gilbert seconded by Councilmember Smilinich  
WHEREAS, the Department of Public Works has the opportunity to purchase a motor vehicle described as a used 2008 International, Model #7400, 4x2 Plow Truck, with a salt spreader, having an odometer reading of 10,000 miles, V.I.N. #1HTWCAZR58J666997, from the Village of East Aurora, for a purchase price of \$60,000; and  
WHEREAS, this plow truck shall replace the City's current 2000 plow truck which has a cracked frame and an odometer reading of 30,000 miles; and  
WHEREAS, the cost to repair the City's 2000 plow truck would run between \$40,000 and \$50,000; and  
WHEREAS, the purchase of a new plow truck would cost \$166,000; and  
WHEREAS, the City's mechanics inspected and examined the 2008 International plow truck and agree it would be a great addition to the City's fleet, and that the plow truck may service the City for many years; and  
WHEREAS, the funds in the capital plan were previously approved and are available to purchase this vehicle; and  
WHEREAS, on July 18, 2016 Superintendent of Public Works ó Joseph L. Warthling, Jr., sent a letter of intent to the Village of East Aurora to secure the purchase of the used 2008 International plow truck; and

NOW THEREFORE, BE IT RESOLVED, that Joseph L. Warthling, Jr., Superintendent of Public Works is hereby authorized and directed to purchase the used 2008 International, Model #7400, 4x2 Plow Truck, with a salt spreader, with an odometer reading of 10,000 miles, V.I.N. #1HTWCAZR58J666997, from the Village of East Aurora, for the purchase price of \$60,000, pursuant to the City's Local Law known as "City of Tonawanda Best Value Contract Awards Law"

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

191. By Councilmember Smilinich seconded by Councilmember Gilbert  
Whereas, the Council is considering rezoning a portion and or entire parcel of vacant land commonly referred to as 618 Delaware Street

Whereas, this action requires a SEQR prior to the rezoning of the subject parcel

Now, therefore be it resolved that the City engineer, Jason LaMonaco is authorized and directed to locate the proper Engineering firm and or Law firm to prepare the SEQR at a cost not to exceed \$2500.00

Be it further resolved, that Mayor Rick Davis is hereby authorized and directed to enter into and execute the necessary contract regarding the above stated SEQR

Councilmember Smilinich: In the resolution it says a portion of the parcel; we had not determined whether it is the portion or the entire, so I would like it to read portion and or entire.

Council President Koch- Councilmember Smilinich would like the resolution amended not to include a portion.

Councilmember Smilinich- No, I want it to say a portion and or entire parcel. That way we have the option to rezone the entire parcel should that be.

City Attorney Ron Trabucco: I had thought we had discussed (inaudible)

Council President Koch: We will amend it to say portion and or entire.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

#### **COMMENTS BY THE PUBLIC AFTER RESOLUTIONS**

There were no comments from the Public after the resolutions.

#### **COMMENTS BY THE COUNCILMEMBERS AFTER RESOLUTIONS**

Councilmember Smilinich: I want to thank the Council for adopting resolution #10. It will be one of the first major undertakings of buildings that we have had in the City and maybe we will lose that label that we don't want anything new in this city, so thank you. I want to thank the Police, Fire and DPW and everybody who helped at Canal Fest, you guys did a great job and ladies. That's all I have. Thank you.

Councilmember Gilbert: I just want to take a second and thank all the department heads and all the people of the city crews for all their hard work during Canal Fest. In this time where police forces are thought of as bad, I just want to give a shout out to our police force, I think we have one of the finest in this area and I want to thank them for all their service.

Councilmember Rautenstrauch: Thanks to the department heads that did a great job during Canal Fest. (Inaudible)

Councilmember Toth: Like the other councilmembers said I would like to thank the department heads for getting us through Canal Fest. It always seems to be a stressful time. I would like to point out specifically Mr. Warthling. I had the opportunity last night to speak to parents and a couple of members and residents that live at 5 Main who said

that the DPW did a phenomenal job of getting that street cleaned up every morning and they were so happy for the job that the workers did down there in getting that street ready to go each day, and she wanted to make sure to that we publicly thank you , all the workers who worked down there every morning. (Inaudible) nice job. That's all I have.

Mayor Rick Davis: I would like to thank the council for the resolution approving the shared service agreement with Niagara County. A couple months ago Jason came to me with the idea and I really thought it was a no brainer. We are always looking for a way to share services not only with other municipalities but with other counties so I thank them for their support. As everybody has stated Canal Fest, I thank everybody for a job well done. I want to thank Police and Fire for their job for the flotilla event. I know the one gentleman passed away but it could have been a lot worse. We could have had two people dead instead of one so I want to thank the police and fire for their efforts. Also, DPW always does a great job cleaning the streets. The Rails to Trails officially opens August 11. I know that hasn't stopped people from using it but officially it is open August 11; we will have a nice ribbon cutting ceremony kicking that off. Our Canadian friends are back in the park again. Our Borders on Patrol owner has been on vacation for the past two weeks. He came back today and will start patrolling the park again tomorrow to move the geese along to other locations in the area and not Niawanda Park. One good thing about having a mild winter is that we came out of it with our streets relatively in good shape, and that means that and along with \$82,000.00 extra that the state through at us for repaving the streets give us the opportunity to repave Niagara Street from Hinds Street to the city town border. We are looking at doing that in the Fall possibly as a late season repaving project instead of putting it off till next year or at least up to Two Mile Creek or Vet's Park. It depends on the price we get. Hopefully, we will get an aggressive price and a contractor (inaudible). Also, the state has sunk 13 million dollars into a Zombie Vacant Property Remediation Prevention Grant. What does that mean for us? Based on our city size and the amount of zombie and or vacant properties that we have we have \$125,000 available to us to help fight the zombie and vacant home issue that seems to plague all the other cities in the State. We will be applying for that grant and possibly looking at adding another code enforcement officer, a foreclosure registry that financial institutions will have to register with the city and possibly a landlord licensing fee as well to insure that the properties that are owned by out of state landlords are kept up and that these individuals are responsible and keep up on their properties. I saw the press release. There is a few new stories on with the exchange zone is now in the Police Station parking lot. It is not only an internet exchange zone but it is also an area where parents can safely and securely transfer custody, visitation custody of kids on weekends and things like that instead of trying to find a public place and it's a he said she said there might be cameras there might not be, that it offers where the exchanges can happen. It's videotaped 24/7 and its archived back 180 days. So, if there is an issue we will be able to investigate it and pull up the tape. I would like to thank Lt. Scott Sheehan and DPW for their work in bringing this idea to fruition. Lastly, and then I'll talk for a little bit. Up in the foyer as you walk in is the City of Tonawanda General Survey put out by the Comprehensive Plan Update that we are doing, I think this is an absolutely fabulous document. I hope everyone either grabs a copy and takes the time to do it or hop on our website. It's on the Facebook page. Please take the time. This is your vision of what the city is going to look like in 20 years, so please take the time to take the survey and hand it in. There is no deadline.

Council President Koch: You know one of the things about going last is everything has been said. But a shout out to the Police department, the Fire department and the DPW. The heroes are the first responders and we saw that first hand over the weekend. So thank you for your efforts. I would like to thank the Buffalo Police department for their use of the tower during Canal Fest. I had an enjoyable ride up and it was certainly an added resource for us, so thank you very much. Tomorrow, our Warriors walk Wednesday will resume. I see Skip Johnson, the brains behind the operation. Please come and join us we have people from all over WNY who go on our 2 mile walks together and Skip has the history of the location that we are visiting. It has a little bit of humor to it too. We meet every Wednesday and everybody brings a non perishable item that benefits the St. Francis Food Pantry. So thank you Skip. The City of Tonawanda Police will host a car seat check this Saturday from 9 am to 12:00 pm. So please stop down and get your car seat checked and make sure that it's properly installed. That's all I have. Thank you for coming out. We will be meeting in the back for a little bit.

**ADJOURNMENT**

192. By Councilmember Koch seconded by Councilmember Rautenstrauch  
Resolved, that this Common Council adjourn until August 2, 2016.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

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City Clerk

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Mayor

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Date Filed