

Council Chambers  
Tonawanda, New York  
April 4, 2017

A Regular Meeting of the Common Council

Present: Council President Koch

Present Councilmembers: Gilbert, Smilinich, Rautenstrauch, Toth

Pledge of Allegiance Council President Koch

Silent Prayer led by Associate Chaplain Bill Miles

**COMMUNICATIONS FROM THE MAYOR**

A letter from Mayor Davis to Senator Kirsten Gillibrand, Senator Charles Schumer and Congressman Brian Higgins regarding HUD Funding-CDBG and HOME Programs

A letter from Mayor Davis to Senator Chris Jacobs and Assemblyman Robin Schimminger asking for legislation to be proposed in the fight against the opioid epidemic

A letter appointing Tom Smyers to the Planning and Zoning Board effective March 31, 2017, term expires December 31, 2021

**COMMUNICATIONS FROM CITY OFFICIALS AND CORRESPONDENCE**

The following monthly reports were received by the City Clerk:

Traffic and Safety Advisory Board Monthly Report for March 2017

Communication from Alice Roth, Secretary of the City of Tonawanda Planning Board recommending imposing a moratorium on Communication Towers, Monopoles, and Antennas

Communication from Kavinoky Cook, LLP in regards to redevelopment of former HSBC building

Communication from Kavinoky Cook, LLP in regards to code violations at former HSBC building

Capital Plan Workshop Report for 3/21/17 from City Treasurer Joseph Hogenkamp

Board of Appeals Monthly Report for March 2017

Fire Department Monthly Report for February 2017

City Clerk Monthly Report for March

Referred to the Committee of the Whole

Ordered filed

**COMMENTS BY THE PUBLIC ON RESOLUTIONS**

No comments by the Public

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**

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

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

Resolution declared adopted

69. By Councilmember Rautenstrauch seconded by Councilmember Toth  
Resolved, that the Common Council minutes from March 21, 2017, be accepted as filed.

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

Resolution declared adopted

70. By Councilmember Gilbert seconded by Councilmember Smilinich  
Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk from the Kiwanis Club for their Chicken Barbeque  
Whereas, the application was reviewed and commented on by all appropriate department heads to ensure the safety and well being of our residents, and  
Resolved, that permission is granted to the Kiwanis Club to hold a Chicken Barbeque on June 4, 2017 from 11:30A.M. - 5:00 P.M. and,  
Resolved, that a Certificate of Insurance naming the City of Tonawanda as additional insured be filed with the City Clerk no later than May 28, 2017.

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

Resolution declared adopted

71. By Councilmember Toth seconded by Councilmember Gilbert  
Whereas, a Special Events application were received by the City Clerk for a Community Day from Team Up to Clean Up  
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 Team Up to Clean Up to hold a Community Day at the Millstream Community and Educational Gardens including a Petting Zoo, crafts and games and hot dog sale Saturday, June 10, 2017 from 11 AM till 2 P.M.

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

Resolution declared adopted

72. By Councilmember Rautenstrauch seconded by Councilmember Smilinich  
Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk from the Kiwanis Club for their Chicken Barbeque  
Whereas, the application was reviewed and commented on by all appropriate department heads to ensure the safety and well being of our residents, and  
Resolved, that permission is granted to the Kiwanis Club to hold a Chicken Barbeque on September 10, 2017 from 11:30A.M. - 5:00 P.M. and,  
Resolved, that a Certificate of Insurance naming the City of Tonawanda as additional insured be filed with the City Clerk no later than September 3, 2017.

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

Resolution declared adopted

73. By Councilmember Gilbert seconded by Councilmember Toth  
Be it Resolved, that Mayor Rick Davis be authorized and directed to sign a lease agreement with Waterbike Adventures, LLC for the period of May 1, 2017 through October 31, 2017 as on file in the City Clerk's Office.

Councilmember Smilinich- I have a question. Have the terms of this contract been changed?

Mayor Davis- There has been no changes.

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

Resolution declared adopted

74. By Councilmember Toth seconded by Councilmember Rautenstrauch  
Be it Resolved, that Mayor Rick Davis be authorized and directed to sign a contract with Western New York Law Center, Inc. for the period of January 23, 2017 through December 31, 2018 for activity in connection with the grant from Local Initiatives Support Corporation (LISC).

Councilmember Gilbert- Madam President, could the Mayor just give the general public an idea what this says on how it helps the community?

Mayor Davis- Through the Zombie Grant that we received from the State it authorizes us to enter into a contract with Western New York Law Center to not only notify the City but also help residents who are in the foreclosure process. A lot of the times when a resident receives their first foreclosure notice they think they have to get out. In essence, that's how zombie homes start is when the resident gets the notice and they leave the home and the house sits in limbo for years before the bank actually owns it. We've partnered with Western New York Law Center to help identify the homes that foreclosure notices have been sent to and also to offer the resources to these homeowners to let them know that they can stay in their home and try to work with them and the bank in order to make that happen.

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

Resolution declared adopted

75. By Councilmember Gilbert seconded by Councilmember Toth  
Resolved, that the 2017 General Fund Budget be amended to account for New York State Local Initiatives Support Corporation(LISC) Action/Grant Number 47414-0001 for Zombie and Vacant Properties Remediation and Prevention Initiatives.

EXP 001-3620-0461	Bldg Insp Prof Services/Zombie Grant	ADD \$150,000
REVENUE 001-0001-3827	NYS Zombie Housing Project Grant	ADD \$150,000
NET BUDGET EFFECT		-\$0

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

Resolution declared adopted

76. By Councilmember Rautenstrauch seconded by Councilmember Gilbert  
Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk from Mueller Services for their Annual Checkers AC Mueller Mile Run  
Whereas, the application was reviewed by all appropriate department heads to ensure the safety and well being of our residents, and  
Whereas, all details of the above named event must be coordinated with Police Captain Fredric Foels and the event Chairperson, now, therefore be it

Resolved, that permission is granted to Mueller Services to hold their Annual Checkers AC Mueller Mile on August 10, 2017 from 6:30 P.M. to 7:45 P.M. and

Resolved, that a Certificate of Insurance naming the City of Tonawanda as additional insured be filed with the City Clerk no later than August 3, 2017.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared

77. By Councilmember Toth seconded by Councilmember Smilinich

Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk from MDA/Maria Krause for their Buffalo Muscle Walk

Whereas, the application was reviewed by all appropriate department heads to ensure the safety and well being of our residents, and

Resolved, that permission is granted to MDA/Maria Krause to hold their Buffalo Muscle Walk on August 26, 2017 from 10:00 A.M. - 4:00 P.M. and

Resolved, that a Certificate of Insurance naming the City of Tonawanda as additional insured be filed with the City Clerk no later than August 19, 2017.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

78. By Council President Koch seconded by Councilmember Smilinich

Resolved, that in recognition and compliance with the New York State Open Meetings law, this Common Council will meet in Executive Session in the Common Council Chambers for the purpose of pending exempt City business, and further be it

Resolved, that upon conclusion of the above stated business matters; the meeting shall again be open to the general public. The reason for the Executive Session is to discuss contract negotiations.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

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

Councilmember Gilbert- Ms. Rowley didn't get up and talk. But she was asking if we would talk about alternate parking on Utica Street to take the burden off the one side. I thought we have that at Traffic and Safety. Could we get that over to Traffic and Safety to take a look at that?

Councilmember Smilinich- So you want alternate parking?

Councilmember Gilbert- Yes, so like Monday, Tuesday, Wednesday on one side? No, what do you want?

Carol Ann Rowley, 181 Utica Street - I drove down by the old funeral home on Delaware yesterday and the landscapers who were blowing all the debris in the street. This has to stop because it ends up in the storm sewer drains and helps to plug them up. Then they need to be ticketed as well as the homeowners that do the same thing when the officers drive by and see it. It would be more money for the City coffers. I don't do it because I know what happens. The "No Parking" on Utica Street, the parking on Utica Street should be changed from the north side of the street to the south side of the street. It has been that way from day one. There are more people that have more cars in their households and park them on the south side of the street all day long and all night. So then if it is changed around they can park in front of their own homes for a change and you don't need traffic study as you can take the "No Parking" signs from one side and just move them over to the other side. Because that happens day after day. The majority of the people on the north side of the street park on the south side. People actually who actually live on the south side of the street they can't park there if they wanted to. Thank-you.

## COMMENTS BY THE COUNCILMEMBERS AFTER RESOLUTIONS

Councilmember Gilbert- Nothing else right now Madam President.

Councilmember Toth- I just want to thank Chief Strassburg and Detective Scarpena for coming in and speaking about the epidemic that's currently hitting the City of Tonawanda along with the rest of Western New York. I think that this council is serious about trying to make sure that our residents are safe and that our Police Department is getting the tools that they need to fight this and we will continue to have some open dialog and good communication to get this taken care of. Thank-you.

Councilmember Smilinich- On Sunday night we put an impromptu walk together that was called "Walk of Remembrance". I want to thank everybody that helped put this together; the Mayor, Caitlin, Jenny Rizzo who came up with the idea for this. What it did is that it brought together a lot of people who have been affected by this increase in opiate use in the area. It brought some people from Pendleton. They said they heard about it and they just wanted to partake in this and show that they cared. I also want to thank Captain Foels and Officer Ostrowski who escorted and the two judges for showing and all the people who came to show their support for all the people who really need our support for those who have to live on knowing what happened to their loved ones so this is in addition to what Mr. Toth said. That's all I have.

Councilmember Rautenstrauch- I have nothing.

Mayor Davis- The Distressed Property Task Force met late last week and we selected a nice mix of residents to help serve on the board to help tackle not only the problem of zombie homes but also a vacant home registry, a foreclosure registry, housing trends and analysis and a renter's registry. I would like to thank Penny Ann Cyr, Joe Kancar, Sam Muscato, Chris Parks, Joan Horn, Eric Ayotte, and Sharon Moore for volunteering their time. This is a two year commitment so I thank them for their time and their effort and they will join myself and Council President Koch, Erik Lindhurst, Judge Dean Lilac, and a few Masters of PhD's from Buff State to help try to tackle this problem in our City. As Ms. Smilinich said the "Walk to Remember" I was very surprised at the amount of turnout for that. I would like to thank everybody that she thanked including herself for the work that she did. I would like to see this be something that we do yearly to remember those who have been taken much too soon. Lastly, I would like to thank Miss Walters, Miss Standvir, Miss Sutton and Mrs. Drmacich for allowing me to come in and read to their second grade class during PARP week.

Council President Koch- This Saturday is the Easter Egg Hunt at Vets Park. I also want to thank the Police Chief Strassburg, Judge Saltarelli, and Detective Scarpena for meeting with the Council this evening to talk about the opiate use in our community. On April 27 there will be a presentation regarding the re-assessment process that will take place at City Hall at 6:30P.M. So, I would encourage you all to attend and with that said the Council will be meeting in the caucus so please join us. Thank-you.

**ADJOURNMENT**

79. By the Council seconded by the Council  
Resolved, that this Common Council adjourn until April 18, 2017.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

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Deputy City Clerk

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Mayor

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Date Filed