

Agenda
Council Chambers
Tonawanda, New York
October 17, 2017

A Regular Meeting of the Common Council

Present: Council President Koch

Present Councilmembers: Gilbert, Smilinich, Rautenstrauch, Toth

Pledge of Allegiance led by Council President Koch

Prayer led by Associate Chaplain Dave Nedell

Moment of silence in memory of Buffalo Police Officer, Craig Lehner

PRESENTATION

Presentations of checks reflecting the proceeds of the Tonawanda City Officials Outing to Saint Francis Food Pantry, Tonawanda Domestic Violence Advocate and Grove Street Christian Church Warmth for Hungry Hearts

Council President Jenna Koch ó Would City Judge Mark Saltarelli and Chief William Strassburg come forward for presentations.

Judge Mark Saltarelli ó Gayle Syposs and I got The City Officials Club started back up last year and we made a significant donation to the Viet Nam Veterans Helicopter Memorial Fund in 2016. The Club is made up of City Department heads who all helped with the outing. Judge Saltarelli invited Department Heads to the Dais. This year we are making a contribution to three local groups and I call on Chief Strassburg to invite them up.

Chief William Strassburg ó We are happy to be able to make a donation to Saint Francis Food Pantry. Could Karen Szafran come forward to receive our check. We are contributing \$1,250 to your great cause.

Karen Szafran ó We are so appreciative of this donation which will help our community outreach very much. Thank you.

Chief Strassburg ó Our next donation of \$1,250 goes to the Tonawanda Domestic Violence Advocate Fund. To explain, many times our Advocate is called on to help people in all hours of the day and night and some who have needs for basics in a hurry. This will allow us to be able to provide some monetary help when needed. This will be handled by City Treasurer Joe Hogenkamp. Detective Joseph Scarpena, please join us along with Lauren from Haven House.

Detective Scarpena ó This is much appreciated and needed. Thank You.

Gayle Syposs ó We want to note that this will be an ongoing fund that people can continue to donate to throughout the year.

Chief Strassburg ó Our last donation of \$1,250 goes to the Grove Street Christian Church, Warmth for Hungry Hearts. Could Sheryl Banas, John and Becca Feyes come forward to receive your check.

Sheryl, John and Becca all expressed their thanks and explained that they serve Veterans and others in need of a warm meal along with other help and the donation will go a long way to helping them continue to serve the community.

Chief Strassburg ó I want to conclude by thanking City Clerk Gayle Syposs and Judge Mark Saltarelli for making our City Officials Outing a success. Thanks to their efforts and the other Department Heads for all their help.

Council President Jenna Koch ó We now ask Chief Chuck Stuart to come forward for his presentations.

Commendation Awards by Chief Chuck Stuart

Chief Stuart- A little background on the presentation we will do at tonight's meeting.

We will be recognizing Pat and Russ Bachman, their daughter Larissa and Annie Draves (21) for their part in last week's fire at 210 Fletcher Street.

Annie will be recognized for stopping to help the resident (Grace Mongold ó 102 years old) out of her front door. As she was driving by she noticed smoke coming from the house and saw Grace standing in the front doorway screaming. Annie, who was assisted by another (unidentified) woman who was also driving by, guided her out the door to safety.

Pat and Russ are neighbors from across the street (205 Fletcher) which is where they walked Grace to. They sat Grace on their porch, covered her with a blanket and comforted her as she was understandably, very distraught. By this point one of our Chaplains, Rick Oates, arrived and also tended to Grace and to the other family members as they arrived home to find their home in flames (there was no way to notify the family as Grace did not know their cell phone numbers so you can imagine their shock as they pulled up). All these people including Annie and the unidentified woman as well as Rick, stayed at the family's side for more than 3 hours until arrangements could be made for lodging overnight.

Rick will describe these events in more detail tonight as he saw firsthand, the caring that took place.

Fire Chaplain Rick Oates ó I want to say that I was speaking to the Chief about what I witnessed the night of this fire and it brought a tear to my eyes. Here we had a lady 102 years old who it is a miracle was not harmed in this but to see what Annie, Pat and Russ Bachman did that night. When I arrived and went to the warm home, and I mean a home, and saw how wonderful people were to this lady in helping her and consoling her it reminded me of what is so good about our City and its residents. The job that was done by our City Firefighters in containing this fire and preventing it from moving to a garage only feet away was outstanding.

Chief Stuart: I have prepared a letter of commendation to present to the Bachmans and Annie Draves and I present it to them now.

COMMUNICATIONS FROM THE MAYOR

Letter from NYS Environmental Facilities Corporation on behalf of Governor Andrew Cuomo to Mayor Davis announcing the award of a NYS Water Infrastructure Improvement Act in the amount of \$4,824,250 to the City of Tonawanda

Executed contract with Erie County Senior Services for Transportation Services for Senior Citizens

Communication from National Grid to Mayor Davis indicating a \$43,544.84 refund due to City for Street Lighting overcharges resulting from an audit done by Troy and Banks.

Communication from Mayor Davis regarding consolidation of Playground Attendants to Mullen and Riverview

Signed Local Emergency Management Mutual Aid Assistance Memorandum of Understanding

COMMUNICATIONS FROM CITY OFFICIALS AND CORRESPONDENCE

2017 Overtime Year to Date report from the City Treasurer as of 10/06/2017 and 10/17/2017

September minutes of the Plumbing Board

Resolution by the Tonawanda Civil Service Commission to Amend Municipal Civil Service Rules

Civil Service Minutes for July, August and September.

Communication from Hon. Mark E. Saltarelli requesting addition space usage in City Hall.

Communication from Sean Hopkins of Hopkins Sorgi and Romanowski PLLC requesting certified copy of resolution issuing a negative declaration approved by the Common Council on October 3, 2017

September Monthly Report from the Fire Department

September Report of the Building Inspector

Treasurers Comprehensive Revenue and Expenditure Control Report as of 10/17/2017

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

233. By Councilmember Rautenstrauch seconded by Councilmember Smilinich

Resolved, that the Common Council minutes from October 3, 2017 be accepted as filed.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

234. By Councilmember Toth seconded by Councilmember Rautenstrauch

Resolved, that the bills be allowed as audited and that the City Clerk draw warrants on the Treasurer for the various amounts.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

235. By the Council seconded by the Council

Resolved, that the reading of the resolutions be waived.

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

Resolution declared adopted

236. By Councilmember Koch seconded by Councilmember Toth

Be it Resolved, that the City of Tonawanda has established Standard Work Days for Elected and Appointed Officials and will report the following days worked to the New York State and Local Employees Retirement System based on the record of activities maintained and submitted by the following officials to the clerk of this body:

Title	Name	Standard Work Day (hrs/day)	Term Begins/Ends	Participates in Employer Time Keeping System	Days/Month (based on Record of Activities)
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Elected Officials

Councilmember Charles Gilbert	6	1/1/16-12/31/17	N	5.42
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Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch
Nays: None

Resolution declared adopted

237. By the Council seconded by the Council

Resolved, Mayor Davis is hereby authorized and directed to enter into Agreement with the New York State Department of State for Docking Facilities Design and Construction NYSDOS Contract No. C1000973.

Funding/Fiscal Impact: 50% matching grant up to a maximum grant amount of \$487,380.00

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

Resolution declared adopted

238. By Councilmember Smilinich seconded by Councilmember Gilbert

Resolved, that the 2017 General Fund Budget be amended to account for NYS Division of Criminal Justice Services (DCJS) Grant Funds #LG14102306 awarded to purchase radios for Police Vehicles.

EXPENSE 001-3120-202	Police Dept Equipment	ADD \$15,625
REVENUE 001-0001-3390	Police Equipment Reimbursement	ADD \$15,625

NET BUDGET EFFECT **-\$0**

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

Resolution declared adopted

239. By Councilmember Smilinich Seconded by Councilmember Koch

Resolved, that the 2017 General Fund Budget be amended to account for Federal Grant Funds received and expended in 2017 from the United States Department of Homeland Security for Border Security Operation Stonegarden Program. (2016 Award) Funds to be expended and received in Fiscal Year 2017.

EXPENSE 001-3120-202	Police Dept Equipment	ADD \$4,000
REVENUE 001-0001-4003	Federal Operation Stonegarden	ADD \$4,000

NET BUDGET EFFECT **-\$0**

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

240. By Councilmember Gilbert seconded by Councilmember Smilinich

Resolved, that the Mayor be authorized and directed to sign the Settlement Agreement and Mutual Release agreements with National Grid pursuant to the Street Light Account Reconciliation and review conducted by Troy & Banks Utility and Telecommunication Consultants commissioned by the City of Tonawanda.

Council President Koch ó Mayor, would you comment.

Mayor Davis ó Three years ago we hired Troy and Banks to perform a comprehensive utility bill audit of street lighting charges to the City. After literally inventorying all street lights they have found we were overcharged \$43,544.84 so the City will be receiving a refund from National Grid.

Council President Koch ó the fee of \$13,800 to Troy and Banks will be deducted but this is a plus for the City as well as a monthly saving going forward.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

241. By Councilmember Toth seconded by Councilmember Gilbert

Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk for the Pink Warriors Wellness Night ó Color Me Pink Run

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 the Captain Fred Foels and the chairperson, now, therefore be it

Resolved, that permission be granted for The Pink Warriors Color Me Pink Color Run to benefit the American Cancer Society on Thursday October 19, 2017 beginning at 5:30P.M. as per route submitted.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

242. By the Council seconded by The Council

Resolved that the Mayor be authorized and directed to sign and submit applications for the projects noted below, and execute a contract with Erie County Community Development Block Grant (ECCDBG) program for the following projects upon approval of ECCDBG:

1. Sanitary Sewer Lining ó Wheeler
2. Sanitary Sewer Lining ó Evelyn, Wheeler and Gibson

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

243. By Councilmember Rautenstrauch seconded by Councilmember Smilinich

LOCAL LAW NO. 2 FOR THE YEAR 2017

A Local Law to amend Section 110-184 of the Code of the City of Tonawanda entitled óCold War VeteransøExemptionö.

BE IT RESOLVED by the Common Council for the City of Tonawanda that proposed Local Law No. 2 for the year 2017, entitled:

A Local Law to amend Section 110-184 of the Code of the City of Tonawanda entitled "Cold War Veterans Exemption".

be and it is hereby introduced before the Common Council of the City of Tonawanda, New York; and

BE IT FURTHER RESOLVED, that copies of the aforesaid proposed Local Law be laid upon the desk of each member of the Common Council by the City Clerk in accordance with the NYS Municipal Home Rule Law, a copy of which is hereto attached and made a part hereof.

CITY OF TONAWANDA

LOCAL LAW NO. 2 FOR THE YEAR 2017

A Local Law providing for the "Cold War Veterans Exemption" pursuant to Section 458-b of the New York State Real Property Tax Law regarding General Municipal real property taxes for veterans who served during the Cold War Period.

BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF TONAWANDA AS FOLLOWS:

A Local Law to amend Section 110-184 of the Code of the City of Tonawanda entitled "Cold War Veterans Exemption" is hereby amended to read as follows:

1. Definitions:

(a) "Cold War veteran" means a person, male or female, who served on active duty for a period of more than three hundred sixty-five days in the United States armed forces, during the time period from September second, nineteen hundred forty-five to December twenty-sixth, nineteen hundred ninety-one, was discharged or released therefrom under honorable conditions and has been awarded the Cold War recognition certificate as authorized under Public Law 105-85, the 1998 National Defense Authorization Act.

(b) "Armed forces" means the United States army, navy, marine corps, air force, and coast guard.

(c) "Active duty" means full-time duty in the United States armed forces, other than active duty for training.

(d) "Service connected" means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty on active military, naval or air services.

(e) "Qualified owner" means a Cold War veteran, the spouse of a Cold War veteran, or the unremarried surviving spouse of a deceased Cold War veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the unremarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.

(f) "Qualified residential real property" means property owned by a qualified owner which is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this section. Such property shall be the primary residence of the Cold War veteran or the unremarried surviving spouse of a Cold War Veteran; unless the Cold War veteran or unremarried surviving spouse is absent from the property due to medical reasons or institutionalization for up to five years.

(g) "Latest state equalization rate" means the latest final equalization rate established by the state board pursuant to article twelve of the New York State Real Property Tax Law.

2. Exemptions:

(a) Qualifying residential real property shall be exempt from taxation to the extent of fifteen percent of the assessed value of such property; provided however, that such exemption shall not exceed twelve thousand dollars or the product of twelve thousand dollars multiplied by the latest state equalization rate of the assessing unit.

(b) In addition to the exemption provided by paragraph (a) where the Cold War veteran received a compensation rating from the United States veterans affairs or from the United States department of defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold War veteran disability rating; provided however, that such exemption shall not exceed forty thousand dollars, or the product of forty thousand dollars multiplied by the latest state equalization rate for the assessing unit.

(c) Limitations:

(i) The exemption from taxation provided by this Local law shall be applicable to county and city taxation, but shall not be applicable to taxes levied for school purposes.

(ii) If a Cold War veteran receives the exemption under section four hundred fifty-eight or four hundred fifty-eight-a of this title, the Cold War veteran shall not be eligible to receive the exemption under this Local Law.

(iii) Pursuant to §458-b(iii) of the New York State Real Property Tax Law ó this exemption shall apply to qualifying owners of qualifying real property for so long as they remain qualifying owners.

3. Effective Date:

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

Councilmember Rautenstrauch ó This legislation was put in place years ago with a sunset provision and would have expired in 2018 if the State had not passed legislation to make it permanent. I am pleased to be sponsor this resolution to protect the exemption for our Cold War Veterans

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

244. By Councilmember Gilbert seconded by Councilmember Koch

Resolved that the Millstream Education Community Gardens be authorized to hold a Pumpkin Day on October 21, 2017 from 10 A.M. till 2 P.M. at the Millstream Gardens Park area.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

245. By Councilmember seconded by Councilmember

WHEREAS, Local Law No. 1 for the year 2017 for the City of Tonawanda, entitled òA 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

provides that:

Colin Reboy ,39 Virginia St ó Spoke of the experience he gained as a Recreation Employee and how it influenced his current employment as a Pre K teacher. He urged that these positions be continued.

Brenna Eckrote, 38 Tussing Lane ó Spoke of her experience in programming and also the importance of continuing these positions both for the employment experience and the benefit to the youths.

Brenda Boyle, 245 William St ó Questioned the reason the siding was being replaced at the Hub and why the color was different.

City Engineer Jason LaMonaco ó Stated the siding is being replaced due to an issue with how the fascia was attached to the building by the contractor which we knew about before the opening and the contractor had agreed to replace at no cost to the city.

Kelly Utzig, 304 Adam Street- Spoke to the playground staffing issue and about how important programming is. She urged continuing it.

COMMENTS BY THE COUNCILMEMBERS AFTER RESOLUTIONS

Councilmember Gilbert ó I want to thank the residents who assisted the fire victims on Fletcher Street. As a reminder, the Millstream Gardens Pumpkin Event is October 21st from 11:00 A.M. till 2:00 P.M.

Councilmember Smilinich ó I would also like to express my thanks to the residents who helped the people who had the fire on Fletcher Street. On November 2nd from 5:00 P.M. till 7:30 P.M. the City of Tonawanda Local Development Board will be closing Main Street between Broad and Niagara and Adam Street between the City Parking Lot and Main Street for the Food Truck Thursday Tactical Event. I invite residents to come and participate.

Councilmember Rautenstrauch ó I also want to thank the Bachmansø and Annie Draves who assisted our residents on Fletcher Street who had the fire.

Councilmember Toth ó Congratulations to the three worthy organizations who received the City Officials Donation tonight and I also thank the residents for their efforts during the fire on Fletcher St.

Mayor Rick Davis ó Thank you to Mandy Lofft and Kelly for all their efforts for the Haunted Harbor. It was a really well attended and a fun event.

Many years ago my grandmother would mention to be careful and that a young child had died on the monkey bars at the playground. We have now dedicated and planted a tree in memory of Tommy Guglia at the Millstream Gardens.

I was happy to be invited to be a panelist during the 13th Annual Great Lakes Restoration Conference in Buffalo. This conference brings together over 400 people from around the Great Lakes to discuss issues to save the Great Lakes from pollution and restoration efforts. I was asked by Jackie James-Creedon of CSCR to discuss the support from City government dating back to when I was a Councilman in 2006 in regards to Tonawanda Coke.

In closing, reminder that the times for Halloween Trick or Treating will be October 31, 2017 from 5:30 P.M. till 8:00 P.M..

Council President Koch- Please keep in your thoughts and prayers the BPD and the family of Officer Craig Lehner. Thank you Craig for your service.

As the Mayor mentioned, Trick or treat hours are from 5:30-8pm. I understand there is a shindig planned at Elmwood Park.

Election Day is Tuesday, November 7th. This is the first Tuesday of the month, normally a Council meeting. The Council will meet on Wednesday, November 8th. I wish all the candidates the best of luck. Lindsayø Legacy is November 11th. Please consider donating to this cause. I had the pleasure of knowing and going to school with Lindsay. She was a beautiful young woman whose life was cut short to pediatric cancer. Thank you to her family for putting the 5k together in our City.

We are having a food drive through November 18th. Bins are set up at the Senior Citizens Center, City Hall, and Fire Headquarters. Donations received will benefit the St. Francis food pantry and the VVA food pantry.

Erie County is currently accepting applications for HEAP. To apply call, 858-1969.

Even though this technically falls under the day to day operations under the Mayor, I would love to meet with Mandy and Kelly so we can work together to rejuvenate the program.

There will be a budget hearing at a later date where the public has an additional opportunity to comment on the Mayors proposed budget. The Mayors proposed budget is available online. I know everyone sitting up here welcomes feedback from the community. I would encourage you to take time to review the budget and budget message and email or call your representatives with any feedback or recommendations.

ADJOURNMENT

247. By Councilmember Koch seconded by Councilmember Rautenstrauch

Resolved, that this Common Council adjourn until Wednesday, November 8, 2017. Meeting is changed due to Election Day.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

City Clerk

Mayor

Date Filed