

Council Chambers
Tonawanda, New York
September 5, 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 Chief Chaplain Sam Ciffa

COMMUNICATIONS FROM THE MAYOR

Memo sent to Fire Chief Stuart regarding Overtime Questions from the Common Council

Communication to Mayor Davis from Fire Chief in response to Council Questions regarding over budget overtime.

COMMUNICATIONS FROM CITY OFFICIALS AND CORRESPONDENCE

Letters to Ms. Dawn Clayburg, Ms. Colleen Moline, Ms. Tammy Gallivan and Ms. Tara Kennedy from Council President Koch thanking them for their efforts coordinating Porch Fest 2017

Communication to the City Clerk from Hopkins Sorgi & Romanowski PLLC requesting copies of all communications received from involved and interested agencies responding to the lead agency solicitation notice with supporting documentation sent to Erie County Health Dept, Erie County Water Authority and NYS Dept of Environmental Conservation and the Erie County Department of Environment and Planning Dept. Response from Site Plan /Zoning Referral to County of Erie with a No recommendation; proposed action has been reviewed and determined to be of local Concern.

Email Communication from Brad Fremont regarding the Young Street Traffic Circle proposal

18 Responses from residents of Tonawanda Towers regarding the possible closing of Young Street with 13 opposed and 5 in favor.

Communication to Mayor Rick Davis from Council President Koch appointing Jackie Smilinich to the Main Street Development Corporation as Council Representative.

Communication Debra Liegl requesting use of City Hall Council Chamber on September 14, 2017 at 7:00 P.M. for a Public Hearing on the 2018-2019 Action Plan for Erie County CDBG Program in Tonawanda

Letter from Linda Foels, President of Gateway Harbor indicating the Corporations support of the closing of Young Street (between Main and Delaware)

The following monthly reports were received by the City Clerk:

July Activity Report of the Tonawanda Fire Department

July Monthly Building Inspector Report

July Minutes of the Board of Appeals

August Minutes of the Traffic and Safety Advisory Board

August 23, 2017 Year to date Overtime Report from the City Treasurer

August Monthly Report from the City Clerk

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

202. By the Council seconded by the Council
Resolved, that the Common Council minutes from August 15 be accepted as filed.

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

Resolution declared adopted

203. By Councilmember Gilbert seconded by Councilmember Toth
Resolved, that the readings of the resolutions be waived.

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

Resolution declared adopted

204. By Councilmember Smilinich seconded by Council President Koch
Resolved, that upon the recommendation of the City Clerk, Katie M. Schultz be appointed a Sub-Registrar of Vital Statistics for the City of Tonawanda, term to begin September 5, 2017.

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

Resolution declared adopted

205. By Councilmember Gilbert seconded by Councilmember Rautenstrauch
Resolved, that the Common Council authorizes the sale of its 1979 American LaFrance Pumper for \$ 8,900 pursuant to the results of the online auction conducted by Auctions International from August 16th, 2017 to August 30th, 2017 as per the report attached hereto and made a part hereof.

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

Resolution declared adopted

206. By the Council seconded by the Council
WHEREAS, the title of this Resolution/Ordinance has been published at least once in a newspaper of general circulation on August 26, 2017, in accordance with Section 2.047 of the City Charter.

NOW, THEREFORE, BE IT RESOLVED, that Chapter 30 of the Code of the City of Tonawanda entitled Fees, Article 14. entitled Streets, Sidewalks and Other Public Places, Sec. 30-392. entitled Permit for snow removal operations - which now reads as follows:

The fee required by section 54-113 is \$20.00 for the first vehicle and \$5.00 for each additional vehicle plowing for the same company.

Shall now read as follows:

The fee required by section 54-113 is \$25.00 for the first vehicle and \$10.00 for each additional vehicle plowing for the same company.

BE IT FURTHER RESOLVED, that all other Sections of said Ordinance shall remain unchanged and in full force and effect; and

BE IT FURTHER RESOLVED, that the above amendments shall take effect upon publication of its title in an official newspaper of the City of Tonawanda.

Councilmember Toth- Madam President could you give an explanation of what we are doing with this?

Council President Koch: Yes, Erik would you like to come forward.

Building Inspector Erik Lindhurst- All we are doing is raising the rates.

Council President Koch- Thank you very much.

Councilmember Toth- Thank you.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

207. By the Council seconded by the Council

LOCAL LAW No. 1 – 2017

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

BE IT ENACTED by the Common Council for the City of Tonawanda that proposed Local Law No. 1 of the year 2017 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, 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, 2018, 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 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 percent (60%) of said governing body.

The Common Council City of Tonawanda is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2018, that requires 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 effect immediately upon filing with the Secretary of State.

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

BE IT RESOLVED, that copies of the aforesaid proposed Local Law No. 1 for the year 2017 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.

Councilmember Toth- Madam President this is not authorizing anything this is just to put the wheels in motion in the event that we have to exceed our tax cap, correct?

Council President Koch- That is correct. I don't see any other options.

Councilmember Toth- I believe, I think back in July it was about 1.84% this year I think that is what the State had said.

Council President Koch- Give or take a few.

City Treasurer Joe Hogenkamp- (inaudible)

Councilmember Toth- Less than two. Thank-you.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

208. By Councilmember Rautenstrauch seconded by Councilmember Gilbert

WHEREAS, the title of this Resolution/Ordinance has been published at least once in a newspaper of general circulation on August 26, 2017, in accordance with Section 2.047 of the City Charter.

NOW, THEREFORE, BE IT RESOLVED, that Chapter 54 of the Code of the City of Tonawanda entitled Streets, Sidewalks and Other Public Places, Article 3. entitled Snow Removal Operations, Division 2. Vehicle Permit, Sec. 54-114. entitled Insurance. - **which now reads as follows:**

With the application for a permit under this division, the applicant shall furnish a certificate of insurance from any insurance company licensed to do business in the state, evidencing motor vehicle liability insurance coverage for bodily injury and property damage meeting the requirements of the state, and containing a ten-day notice of cancellation clause directed to the city clerk. No permit shall be issued under this division without such insurance certificate.

Shall now read as follows:

With the application for a permit under this division, the applicant shall furnish the following:

1. A Certificate of Insurance from an insurance company licensed to do business in the State of New York providing a General Liability Policy, in the amount of \$300,000, listing the City of Tonawanda as an additional insured; and
2. A Certificate of Insurance from an insurance company licensed to do business in the State of New York providing an Auto Liability Insurance Policy with a minimum limit of \$500,000.00, along with property damage coverage with a minimum limit of \$50,000.00, listing the City of Tonawanda as an additional insured.

All insurance certificates shall contain a ten (10) day notice of cancellation clause directed to the City Clerk. No permit shall be issued under this division without such insurance certificates.

BE IT FURTHER RESOLVED, that all other Sections of said Ordinance shall remain unchanged and in full force and effect; and

BE IT FURTHER RESOLVED, that the above amendments shall take effect upon publication of its title in an official newspaper of the City of Tonawanda.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

209. By Council President Koch seconded by Councilmember Toth
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 and personnel.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

COMMENTS BY THE PUBLIC AFTER RESOLUTIONS

No comments by the Public

COMMENTS BY THE COUNCILMEMBERS AFTER RESOLUTIONS

Councilmember Gilbert- Real quick I would just like to recognize Mr. Hogenkamp. Last week we had Rich Andres who is part of the Niagara County Legislature go on Facebook and talk about the Land Bank and forming one in North Tonawanda and Niagara County. He actually reached out to me and recognized that the work that we have done with our Land Bank and Joe in particular is the reason that they are looking into it. I just want to recognize him for his hard work on that. Thank-you Pastor Ciffa for a great prayer. It's nice to see and think about everybody and have it out there for us to do at our council meetings. A reminder that overnight parking ends October 15 so make appropriations for that. I don't know if anybody saw this the Boys and Girls Club is doing a bid for Kids it's \$75 a ticket and there is all kinds of vacations. It is October 1. So if anybody is interested in helping out the Boys and Girls Club that's a great event. On September 13 we are having a fundraiser outside of City Hall. You donate \$15 and grab a hat. They are all brand new hats and all the money is going to Ethan Ashcroft to help support him and his medical finances. That's it for me Madam President.

Councilmember Smilinich- I don't have anything.

Councilmember Rautenstrauch- I don't have anything other than thank-you to the council and the attendees of the informal session for your patience and understanding with my kids here. That's all.

Councilmember Toth- On Resolution #6 it seems that from everything that we have with the tax cap that the State is not making it any easier for us. Hopefully we can start putting some new budgets in front of the council. (Inaudible) The residents eventually end up bearing the burden of that. Also, next Monday is the Anniversary of September 11. I hope that the residents take the time to remember all that were lost on that day as well as all those who are serving our country and keeping us safe. Its never an easy day and it doesn't seem to get easier as time goes on.

Council President Koch ó The Mayor is at a very important meeting that is why he couldn't be here today. But he wanted me to announce that City Hall will be lit up for the next two weeks in recognition of Childhood Cancer Awareness Month. I wanted to thank all the organizers for the Porch Fest. It was a wonderful turnout. I am looking forward to next year already. Tomorrow is the Tonawanda Officials Outing. So please stop by

Firemen's Park from noon to 8:00 P.M. if you have a ticket. And many thanks to our Department Heads and our City Clerk for putting this together. This event is going to benefit the St. Francis Food Pantry, the Tonawanda Domestic Violence Advocate Group, and the Grove Street Christian Church Warmth for Hungry Hearts. So, if you have a ticket please come out and support those causes. The Warriors Walk Wednesdays comes to a close tomorrow. I just wanted to thank Skip Johnson from the Historical Society of the Tonawandas for all of his fun facts and his tours of the city. We look forward to coming back next year. A special thank-you to all those who have attended our walks. A special shout out to all our grandparents, great grandparents, great great grandparents September 10 is Grandparents Day. If you are fortunate enough to have your grandparents please send them a card or give them a call or invite them to lunch. Also, congratulations to Councilmen Gilbert. I will let him tell you his great news.

Councilmember Gilbert- We're expecting our second grandchild. So that is fun news. We did a big Reveal and it's going to be a boy. So it is going to be fun.

Council President Koch- So congratulations to all our grandparents, great grandparents, and great great grandparents. We will be going into Executive Session.

ADJOURNMENT

210. By Council President Koch seconded by Councilmember Smilinich
Resolved, that this Common Council adjourn until September 19, 2017.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

City Clerk

Mayor

Date Filed