

Council Chambers
Tonawanda, New York
August 18, 2015

A Regular Meeting of the Common Council

Present: Council President Zeisz

Present Councilmembers: Gilbert, Smilinich, Hall, Koch

Pledge of Allegiance led by Council President Zeisz

Silent Prayer led by Chaplain Dorthea Schweitzer

Bid Opening: Sidewalk Replacement ó 2015

July 29, 2015

9:00 A.M.

Millennium Construction

34 Peuquet Pkwy.

Tonawanda, NY 14150

Total Bid Price: \$227,195.00

bid bond and non-collusive bidding certificate accompanied bid

Roman Construction

7279 Lakeview

Pendleton, NY 14120

Total Bid Price \$268,275.00

Bid bond and non-collusive bidding certificate accompanied bid

Ordered filed

COMMUNICATIONS FROM THE MAYOR

A letter from Assemblyman Robin Schimminger, dated August 14, 2015, regarding the hanging of American flags from the walk bridge over the Twin Cities Vietnam Veterans Memorial Highway as a tribute to those members of the armed forces from the Tonawandas who made the ultimate sacrifice in Vietnam.

Ordered filed

COMMUNICATION FROM CITY OFFICIALS AND CORRESPONDENCE

The following monthly reports were received by the City Clerk:

July monthly report of the City Clerk

July monthly report of the Building Inspector

Comprehensive Revenue & Expenditure Control Report for the

City of Tonawanda as of 8/18/15

Referred to the Committee of the Whole

Ordered filed

A notice of a public hearing being held by the Board of Appeals on August 24, 2015, at 6:30 P.M., asking for permission to install a 6ø high wood privacy fence in the rear yard at 117 Mullen Street.

A notice of a public hearing being held by the Board of Appeals on August 24, 2015, at 6:30 P.M., asking for permission to install a 5ø high stockade fence along the rear yard of the corner lot at 9 Harvington Street.

Ordered filed

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.

- *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.*

COMMENTS BY THE PUBLIC ON RESOLUTIONS

Lynn Casal, 69 Grant Street ó I have a question about resolution #6. How is it that you can vote to table it in the Caucus Room, during a workshop, rather than discussing it out here in public and then voting on it out here?

Council President Zeisz ó Well if there's no one to move the resolution forward, we can take it off the table before we come out here.

Lynn Casal ó You actually voted. That's why I was curious because you voted in workshop. I just want to know, are you following Roberts Rules. I'm very confused and I'd like to know if you have some type of a pamphlet or something of what the rules are so I can make sure of what rules to follow.

Council President Zeisz ó We could have the City Attorney to come out here and you can ask him if you'd like.

Lynn Casal - Well I'd like something in writing so I know what it says.

City Clerk Bodie - I have a handbook.

Lynn Casal ó You do have something? Thank you.

MOTIONS AND RESOLUTIONS

198. By the Council seconded by the Council
 Resolved, that the Common Council minutes from August 4, 2015, be accepted as filed.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz
 Nays: None

Resolution declared adopted

199. By Councilmember Gilbert seconded by Councilmember Koch
 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, Hall, Koch, Zeisz
 Nays: None

Resolution declared adopted

200. By Councilmember Gilbert seconded by Council President Zeisz
Resolved, that the reading of the following resolution be waived.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

201. By Councilmember Smilinich seconded by Councilmember Koch
WHEREAS, the title of this Resolution/Ordinance has been published at least once in a newspaper of general circulation, more specifically, The Buffalo News, on August 6, 2015 in accordance with Section 2.047 of the City Charter; and

WHEREAS, within the City of Tonawanda there are many structures of historical and/or architectural importance and many other structures that are important to the ambiance of the areas within which they stand; and

WHEREAS, the City of Tonawanda is concerned that the ambiance and viability of its commercial areas be maintained and enhanced; and

WHEREAS, the change of an existing façade on a commercial structure in the central business district (CBD) area (defined for this purpose as bounded by: Seymour/Niagara to Niagara/Young to Young/Fletcher to Fletcher/Seymour to Seymour/Niagara) may be detrimental to the commercial area within which it is found; and

WHEREAS, the City of Tonawanda will be initiating a more complete and in-depth review of its zoning procedures, including any alterations to the façades of commercial buildings; and

WHEREAS, in the interim period (i.e., between now and Council's approval of a broader and more in-depth façade alteration policy for the City), it is critical that the City's commercial area, (CBD), is not altered by façade changes, unless such changes are required for safety (e.g., structural failure) reasons; and

WHEREAS, an enhanced façade alteration code is planned to be completed within 180 days;

NOW, THEREFORE, BE IT RESOLVED that Chapter 14 of the Code of the City of Tonawanda, entitled Buildings and Building Regulations, shall be amended to add a new Article 11 entitled: *Commercial Structures*, Section 14-479 *Alterations to the Exterior of Commercial Structures*, which shall read as follows:

Sec. 14-479

Alterations to the Exterior of Commercial Structures.

Alterations to the facades of commercial structures located within the central business district (CBD) must obtain the approval for such changes from the City's Planning Board, substantiating that such changes will not impact negatively on the ambiance and historic nature of the building and of the central business district (CBD) commercial area; and

This provision shall remain in effect for 180 days from adoption by the Common Council, at which time it may be extended by the Common Council, with or without amendments. In the event this provision is not extended by the Common Council it shall terminate.

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

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

202. By Councilmember Gilbert seconded by Councilmember Smilinich
Whereas, the Common Council of the City of Tonawanda has determined that it is in the City's best interest to apply for funding to assist in the financing of its Sewer System Infiltration and Inflow improvement project: and

Whereas, affordability for the City's residents and property owners is a significant concern in advancement of the proposed project: and now, therefore be it

Resolved as follows:

1. The Common Council of the City of Tonawanda authorizes Municipal Solutions to prepare applications for funding through the NYS Water Infrastructure Improvement Act ó NYS Water Grants under the CSO/SSO categories.
2. The Common Council authorizes Mayor Rick Davis to execute the application for NYS Water Grant Assistance.
3. This resolution shall take effect immediately.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

203. By Councilmember Gilbert seconded by Councilmember Hall
Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk for the Warrior Car Wash for TFC Cheerleaders 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 Police Captain Fred Foels and the event chairperson, now, therefore be it
Resolved, that permission be granted to the Tonawanda Football Clinic to hold the Warrior Car Wash on Saturday, August 29, 2015, and be it further
Resolved, that a Certificate of Insurance naming the City of Tonawanda as additional insured be filed with the City Clerk no later than August 24, 2015.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

204. By Councilmember Smilinich seconded by Council President Zeisz
Resolved, that the following resolution be tabled.

Council President Zeisz ó So on resolution #6, it was tabled, and anyone, feel free to get a written copy of the rules or comment from our City Attorney. What we did is no different from what we've done the whole time I've been on the Council. Sometimes resolutions are tabled before they even come out on the floor but in the interest of the fact that there is more people here than there was in the Caucus Room and mind you the Caucus Room is open to the public. It's not like we're not being transparent. We're not trying to hide anything but since the issue was brought up, resolution #6, Ms. Smilinich is making the motion to table and I second the motion to table it. Is there comments on tabling resolution #6?

Councilmember Gilbert ó Can we just have the Mayor explain why he wanted this tabled?

Mayor Davis ó I suggested that it be tabled. Ultimately, the decision is the Council's but the Sinatras came forward yesterday and expressed interest in the property, so I felt the new information that the Council had, that to kind of reassess things, moving forward and give everybody an opportunity as they put forth their best proposal moving forward for the Little League property and give the public a chance to view each one of the proposals, to comment on them, and after the special meeting, I believe it's been slated for September 22nd, that I personally paid for a robo survey throughout all the City of Tonawanda to get resident's feedback on the three different proposals before we vote moving forward. I should say before the Council votes before moving forward.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

Council President Zeisz ó One other thing I wanted to point out, for anyone that doesn't know, when the agenda is put together, theoretically a tabled motion, I could take it off the agenda before we even got here tonight. Unless it has a first and a second, then I can't but if it doesn't have a first and a second, I can pull it before it even gets to the floor. For anyone who didn't know, I wanted everyone to know that.

205. By Councilmember _____ seconded by Councilmember _____
Be it Resolved, that Mayor Rick Davis is hereby authorized and directed to enter into negotiations regarding a Land Disposition Agreement with Brownstone Homes pertaining to the construction of residential homes in the area commonly referred to as the Little League Drive Subdivision.

Gilbert, Smilinich, Hall, Koch, Zeisz
Ayes:
Nays:

RESOLUTION TABLED

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.*

COMMENTS FROM THE PUBLIC AFTER RESOLUTIONS

Lynn Casal, 69 Grant Street ó The reason I brought it up was because you also discussed raising the rates for the Pavilion. \$100 is a lot of money. Was that discussed in open session for residents to hear and say whether or not they thought that was a good idea or not? Are you pricing the residents out of being able to use something that was brought here for them to be able to use. I don't understand why all that goes on in there but doesn't go on out here. It doesn't seem very transparent and sometimes there's not even enough room for people to sit in that room.

Council President Zeisz - In the time that I've been here, other than maybe five or six times, there's always enough room back there for people.

Lynn Casal ó The several times that I've mentioned it, there hasn't been, there's been standing room, people out in the hallway and if you want to be transparent to the residents, you need to make it so they feel comfortable coming here and want to be a part of the system.

Council President Zeisz ó We also talked about the Pavilion three times. This isn't the only time we've talked about it.

Lynn Casal ó Did you talk about making raises?

Council President Zeisz ó Yes.

Lynn Casal ó Ok, that's all I ask. I just don't understand why so much goes on that room and not a lot of people know what's going on in there and a lot of people come to this regular meeting, it just seems not very user friendly. I am very aware of Roberts Rules, I'm aware of how it goes, I know how the agenda goes. It just seems like things are taking place in there that should be really taking place in here.

COMMENTS FROM THE COUNCILMEMBERS AFTER RESOLUTIONS

Councilmember Gilbert ó All I really have tonight is I just wish everybody would come out and support the Tonawanda Football Cheerleaders and their car wash. All that money goes toward their competitions and their uniforms and such. They could use all your support.

Councilmember Smilinich ó I want to thank everybody who went to the clean up on the Erie Canal. In addition to the clean up, there was some great conversations which brought forth a lot of wonderful ideas that may be implemented, so if you have nothing to do the next time they have one, just come down even if you can't stay for the whole time, just an hour or so to help out.

Councilmember Hall ó Nothing, Mr. President.

Councilmember Koch ó I'd like to give a congratulations to Glenna Sternin. She's a City of Tonawanda resident, and she's recently been honored with the YWCA Life Time Achievement Award. There will be a dinner for her in September and I just want to thank her for all that she does for the Twin Cities. Tomorrow there's an ice cream social at the Senior Citizen Center from 6:00 P.M. to 8:00 P.M. It's a free event, so come on down to the Senior Citizen Center.

Mayor Davis ó I'd like to thank the Council for passing the resolution dealing with the SSO Grant. Today we've been successful in getting \$13,000,000 to help offset the cost of the sewer project. With the award of this grant, we can expect even an additional assistance that won't be on the backs of our taxpayers, including engineering for the next seven phases that we're about to do, so I thank them for their support in obtaining this grant. Another LWRP meeting we have coming up here should be a nice one behind Fillmore and we have a waterbike competition between myself and the Director of Parks and anybody else that wants to race me on the waterbikes, so that should be a fun event. As Ms. Smilinich commented, the clean up event, it really is a wonderful organization of people that don't just complain about things but put actions to their words and they take the time to come out and help residents in need or help clear areas for memorials in honor of our residents that have passed much too soon. I cannot thank enough Brian Joseph for getting this organization together and the wonderful work that they do. I'd also like to thank our Council for passing resolution #3 and just to put it in a clip note version, it really protects our storefronts downtown from becoming boarded up like one of them was recently. I'd like to thank Ms. Smilinich who is our Chairman of the Downtown Beautification & Revitalization Committee, Chairman Mark Warren, and from my office, Charlie Rech for really helping spearhead this movement to try and protect the storefronts that are downtown, moving forward. And lastly, and really I can't get into too many specifics but I'd like to thank the Fire Department for sitting down four weeks ago and talking. I felt like it was a great meeting, a lot of doors were open and I look forward to sitting down with them in the future and working together in the best interest of the City.

Council President Zeisz ó The only thing I wanted to put out there is that probably our next meeting on the first, our next formal meeting, we will have some information to share about having a public hearing on homes for Little League Drive and I just wanted to put that out there. It will probably be sometime toward the later part of September that we'd like to do that and it will give people the opportunity to ask questions and make suggestions, comments, regarding the potential developers. Other than that, have a great night, drive home safely and we'll see you again. God Bless you.

ADJOURNMENT

206. By Councilmember Gilbert seconded by Councilmember Koch
Resolved, that this Common Council adjourn until September 1, 2015.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

City Clerk

Mayor

Date Filed