

Council Chambers
Tonawanda, New York
January 16, 2018

A Regular Meeting of the Common Council

Present: Council President Koch

Present: Councilmembers Gilbert, Kammerdeiner, Young, Mileham

Pledge of Allegiance led by Council President Koch

Prayer led by Pastor Sam Ciffa

Presentations to City Attorney Ronald C. Trabucco for his retirement.

Council President Koch ó Mr. Trabucco, can you come up front and join us; we have a nice seat in the front for you.

Mayor Rick Davis ó A lot of people here know that this is the last Council Meeting for our esteemed City Attorney Ron Trabucco, what he doesn't realize is it is going to turn into a roast. We've asked a few people to say some special words about what Ron has meant to them over the years and the help that he has given them and the guidance. The first individual I'd like to call up is Mayor Gallagher.

Former Mayor Jack Gallagher ó Thanks Rick and thanks for calling me up before Judge Cassata because I'd like to talk for about 2 minutes and not 32 minutes. It was strange when Gayle gave me a call and said, are you coming to the meeting Tuesday and I said, for what, I hadn't been to a meeting since I left office and she said, well Ron's leaving. I said, what are you talking about and she said well he's done, he's retiring. So I figured I'd better do a little research myself and did some homework. As some of you know, I'm kind of looking for another house to get away from my area which is pretty busy so I thought I would take a ride up to the Brookside Area, look around at a one story. Kathy and I drove by Ron's house and sure enough, looks like that one's gone too. So then I just took a ride by the Young Building where his office is, sure enough that placard is down already too. They didn't wait very long for that. Then I called his office, figured this is a time I'd call and find out a little bit about it. Well I got directed to some other Attorney's office so that was the third thing that I knew you really were ready to retire. But the topper was I called his cell phone and what happens is it was directed to an area code in Las Vegas. That put the topper on it. So I guess Ron, after 40 plus years as an attorney and 22 years in the City, you deserve some accolades. You're not only a fine attorney but you are just a fine gentleman and mean so much to me. I didn't want to come empty handed so I figured I'd get you some sort of a gift or something so I know a fellow who does some glass sculpturing, well I'd go see him, maybe he could fix me up a little bit. So I said, I just need something that you could carve out of glass a little bit and I want you to put a guy on there with a tan corduroy sport coat with patches on the sleeves, and usually a V-neck sweater with an open collar and your famous buck shoes, which you don't have on tonight. But he couldn't do it, he said I just don't have the time to do something like that. So I thought I'd get you a simple plaque but then I forgot that I'm not the Mayor anymore and I don't have a budget line for something like that. Maybe a proclamation might do it but I don't have Jean Harmon to write it for me anymore so you don't get that so I decided to come here tonight Ron and tell everybody what a private person he is, it's hard to get anything out of him but that's a good point so private and I think that's why so many people are here tonight just to talk a little bit about your strong points as an attorney but more so the friendships that we've developed over the last 22 years. I have more but I have to leave time for the Judge. So Ron, congratulations from everybody here in the community and the Gallagher Family especially for the great job that you've done and you've been a great friend to all of us.

Former Mayor Ron Pillozzi ó Ron, I've known for as long as I've been in public service which was 16 years, 8 years as a Councilmember and 8 years as Mayor. You couldn't ask for a better man to guide us legally through everything that we see in the City of Tonawanda. He did the best he could to keep us on the straight and narrow and for that he deserves a lot of accolades, but one thing I did find today and this might be appropriate and Jack kind of hit on this and it's a quote I found from a Jonathan Clemons. It says

retirement is like a long vacation in Las Vegas. The goal is to enjoy it to the fullest but not so fully that you run out of money. Keep that in mind and with the blessings and good wishes from everybody here, I hope the path you go down after you leave here gives you nothing but health and happiness. You're the Man.

Mayor Davis ó The next individual I'd like to call up is Judge Cassata.

Former Judge Joseph Cassata ó Thank you, first and foremost, my congratulations to the new Council and the Mayor. I wish you well in 2018; Tonawanda First and God Bless you. Secondly, getting old is not easy, coming to these affairs, you're crying, you should see me today. It is not easy but as I look over at the City Attorney's office before I talk about my dear friend, I see a former Deputy City Attorney is here too, Lou Cacciato and of course Mike Rua. Well folks this is what it's all about. Some where 40 years ago, I'm in our Buffalo Office and this guy walks in. He's got white shoes and a white belt and nice hair, like today. Skinny, like today. Hello, I'm Ron Trabucco, I work here (he says) I said, hello I'm Joe Cassata, who's paying you? So I go into Saul Rodenburg's office next door to me and ask ó Who hired Bobby Rydel? We started our love affair then. Moved to the Tonawanda Office and one day who comes in? Hi, I'm Ron Trabucco and I said you again? I said who hired you and who's paying you? Been there ever since in the Young's Brothers Building. What's interesting folks is for 23 years I was fortunate enough to have that position as a public servant and when you leave as City Attorney or any public service, when you leave, what's first and foremost in your heart and in your mind? I'd tell you what, that the next guy that follows you has the same care and compassion and full of life that you put into your public service. Just like you guys know who have been here for a few years. I can only say this short and sweet, that for these 20 years, Ron Trabucco filled those shoes and went beyond that. He has been a super City Attorney and it made me feel very good cause everything I know that we worked for in those years were carried on, carried the torch for the City of Tonawanda City Attorney, like Ron Trabucco. This is bittersweet, as I said before, getting old is not easy, this is not easy and those of you who will be going through this know exactly what I mean. So Ron, we salute you tonight because the percentile of Tonawandans that enjoy public service is very, very small and you had the privilege and the pleasure of being a public servant. You earned it and they can never take it away from you. So with that I simply say, congratulations and you will be missed.

Mayor Davis ó For anyone who has been in Traffic Court on Fridays since Judge Cassata has been here you'd know that probably is the shortest public speaking he's ever given. I would like to bring up former Council President Carl Zeisz.

Carl Zeisz- You'd have to indulge me because I need a few minutes to talk about the judge first. My first four years on the council at that time the council ran the City. The mayor was more of a figurehead. So I got on the council and there was a City Attorney who really like always kind of took control of things when he was at the meetings. He was City Attorney at the time. It was great; it was really good especially when I started as Council President I had someone to really help me. We had some really big issues at that time. So then four years go by and this other guy runs for City Attorney named Ron Trabucco. It couldn't have been more night and day from Joe to Ron. Ron was so mild mannered and quiet. You know I think back, the twenty years we served together, I always think of this because we were running the first time together and Ron was not a big one on going door to door. I wasn't a big one going door to door. But it worked good because we did it together and we just said we just got to get through it. We go through the whole City and just do this. We did. We weren't thrilled about it but we did it. I always remember that because I felt like in the time I was here that Ron was always here for me and he always knew I was here for him. I felt like with the information that he imparted over the years that in my later years on the council I didn't even ask him anymore. I knew what the answer was going to be or I knew what direction to take. There was three of us that served on the council for a twenty year period; two of us, I was on the council, Ron was City Attorney, and Jan Bodie who is here tonight was our City Clerk. We tried to get Ron to leave with us two years ago but he decided to hang on for a couple more years. I all want to say Ron is yourself and many other people in this room these are some of the best friends I have ever had. You will be missed. I just wish you the best.

Mayor Davis- The next person I would like to call up is Legislator Kevin Hardwick.

For those of you who don't know at the Swearing in Ceremony Kevin made an announcement that he is now a Democrat. So I bring up to you Democratic Legislator Kevin Hardwick.

Legislator Kevin Hardwick- Who says big news is confined to Washington. It was a Democrat house. Listening to Jack Gallagher who I sat next to for I think four years on the council, I was on the council six years. We didn't sit next to each other for all six but for four years I sat next to Jack and listening to him describe how we came to be here tonight I had a similar situation. Gayle Syposs, who I also served with on the council for two years now calls me up and says you got to come to the meeting Tuesday night. I said Gayle you know I don't like to be around those people especially Gilbert. Well she says you got to come to this one because Ron is retiring and I said who is Ron? She says Trabucco and I said yes. So I set to work or actually I didn't work preparing this resolution. I didn't do it. It is Susan Gregg who is here tonight. Sue is my legislative aide and has been now for eight years and she is I tell everybody does all the work that I take all the credit for. I said Sue I want the best resolution ever. Normally these resolutions have about twelve whereas and then the final result. I want you to go to town and find out as much you can about this person. She did. So this is the resolution that the County Legislature passed:

Whereas, Ronald C. Trabucco is a resident of the City of Tonawanda and whereas Ron Trabucco graduated from Canisius College the Vermont School of Law and whereas Ron Trabucco has a law practice on Delaware Street in the City of Tonawanda and whereas Ron Trabucco was first elected as City of Tonawanda City Attorney in November of 96 (Ron Trabucco ó on 1995) that's it, that's all the resolves? Ron, I'm sorry, this is your life. There's not much here. Now, therefore be it resolved that the Erie County Legislature pauses in it's deliberations to recognize and acknowledge Ronald C. Trabucco upon his retirement and thank him for his dedicated service to the Citizens of the City of Tonawanda and County of Erie. Look as was said earlier by Judge Cassata maybe said it, maybe it was Mayor Pilozi, Ron is a very low key guy, he's not flashy, anything but, but in my six years on the Common Council, he's the kind of guy and those of you, Jim Kossow and everyone who has already spoken, know it's the truth. He's the kind of guy you want in that room because we made, all of us, a lot of important decisions about this City over the years and we continue to make them and sometimes we get carried away and you need a calming influence and for many of us Ron has been that calming influence especially my two years when Gayle was on the Council. We needed a calming influence, I needed a calming influence then and I want to thank you for what you did for us as a Council, for what you did for the City. I begin tomorrow my other life, teaching my Public Administration Course at your Alma Mater, Canisius College. It's tough to teach Public Administration because people think about people and bureaucrats and it's kind of a boring life and all that and I try to convince them that there's a lot of good that can be done in public service, Judge Cassata talked about public service. You are, the epitome of public service Ron, thank you for all you've done, thank you for the example that you set for my students and thank you for all you did for me as a Councilman.

Mayor Davis ó The next individual I want to call up is Sean O'Neil representing Senator Jacobs.

Sean O'Neil ó We were able to fill out the proclamation a little more than the County did so we have more adjectives. I won't read them all but it reads:

Be it know and therefore be it resolved that on behalf of the people of the New York State 60th Senate District, we congratulate Ronald C Trabucco Esq, upon his retirement and recognize his outstanding dedication to the people of the City of Tonawanda. I, State Senator Chris Jacobs recognize his kindness and dedication that everyone in this great State should strive for. Congratulations.

Mayor Davis ó At this time I call up our Erie County District Attorney John Flynn.

District Attorney John Flynn ó Thank you Mr. Mayor and the Council, it is my honor to be here tonight. I kind of gave a version of this speech once before about a month ago. We had our annual luncheon of the Town and City Prosecutors. As some of you know, Ron actually works for me too. All the Cities and Towns of Erie County are able under your laws to appoint City Prosecutors and Town Prosecutors but the fact that you appoint them doesn't mean they get to go to Court automatically, I have to sign off on them so I have had for the past year, the honor of having Ron serve as one of my City prosecutors

here in your great City but I first met Ron back in 2006 when I became the Town Judge in the Town of Tonawanda. I had not know Ron up until that point but when I saw him and I think that Judge Cavarello can attest to this, you see a lot of lawyers come before you as a Judge and the one thing I can say about Ron Trabucco was that he was always a professional, that he always looked out for his client and he may not have won every decision or won every case, in fact he may have lost most of them (laughter) but it didn't matter. What mattered was his professionalism and his pursuit of justice. Then when I left the bench and became a Town Attorney in Tonawanda, I worked with him on a weekly basis as the City Attorney here in Tonawanda where we talked about various issues; we talked about different resolutions, and different matters that came before your honorable Board and my Board. So I've had an opportunity to work with Ron very closely over the course of the last 12 years and I said this at that luncheon and I'll say it today. At the end of the day, no one is going to remember how many cases you won or how many cases you lost. At the end of the day no one is going to remember all of the great resolutions he wrote for all of you. That's irrelevant. At the end of the day, at the end of your legal career, if people can remember you and say about you, hey, Ron Trabucco was a gentleman, Ron Trabucco was an honorable man. At the end of the day, that is all that matters and when I see the word "class" in the dictionary there's a picture of Ron Trabucco under that definition. He is not only a man of class but of honor and integrity and it has been my honor to work with him all of these years, it's been your honor to have him represent you as your Attorney, it has been your honor, the residents of the City of Tonawanda to have him be your public servant. So for me to come here and spend five minutes talking about him pales in comparison to what he has done over the course of the his life, for all the time he has been here and for all the great work that he has done, it is my privilege to be here tonight to recognize you for all that you've done. Ron, Thank you very much.

Mayor Davis ó Thank you Mr. District Attorney. We had two individuals who could not be here tonight but wanted to express their sentiments. First being Mayor Roth. She asked me to read this.

Ron, I am so sorry I am unable to attend your retirement celebration. Please know that I wish you well going forward. Thank you for all the years of guidance and friendship. You represented your City with dignity and professionalism of which all can be proud. Here's to your health and happiness. ó Former Mayor Alice Roth.

The other individual who could not be here tonight is Assemblyman Robin Schimminger. I will read the letter he sent. ó To City Attorney Ronald C. Trabucco, I regret my legislative duties in Albany prevent me from joining with your colleagues and friends tonight as you bid farewell to your position as City Attorney. It's been a long run, twenty years and during that time you've been part and parcel to the City's growth and development. For that you should be proud and you have served the City of Tonawanda well. During your time in office you have given sage advice and counsel on complex legal issues to the many Mayors, Council members, Department Heads, Board Members and Commissioners who have also served the City during your tenure. Although, not a glamorous job, you have guided the City through difficult and not so difficult legal matters, with little and no fanfare. Needless to say, your approach has earned the respect and trust of colleagues. Ron, you have also earned the respect and trust of Tonawanda citizens many of whom you knew and others you may have met while going door to door during the campaign season. Your soft spoken ways, kind hearted spirit, open and honest demeanor, and attention to the concerns of others set you apart from less engaging public officials. Obviously you care deeply about your City and its welfare and its residents. Your retirement marks the culmination of a career in public service that has touched countless lives and enriched Tonawanda's past, present and future. Enjoy your retirement and be well my friend. Assemblyman Robin Schimminger

Mayor Davis- I'd like to call up our City Clerk. As most know, Gayle and Ron came in to politics together early in the 1900's (laughter). My first dealing with Ron was swearing in ceremony of 2006. All of us that got sworn in that day took about 45 minutes, except for Ron. Ron proceeded to thank everybody in Western New York, Southern Ontario, at least three different times and I think Guam and Puerto Rico were thrown in there as well. But, Ron has been a great friend, a great mentor whose advice I've sought out numerous times and he will be sorely missed but I know the next chapter in his life, he'll be doing real estate closings in Vegas representing people that owe casinos lots of money so I wish him and his wife the best of luck moving forward in their next adventure. On behalf of all the City Officials (presented gift) ó and it comes with your own family too, comes with a

stock family for you. If says, "In Grateful Appreciation of Ronald C. Trabucco, City of Tonawanda- 2017.

Ronald C. Trabucco "That's very nice. I didn't prepare a speech and I want to tell you why. I heard the Judge Saltarelli said that Trabucco should limit his speech to two hours. So I decided that I remembered that swearing in, you're right, it was like a two hour speech so I'm going to make this one brief. But I'm going to tell a real quick story that I told once before and there's a good reason why. 22 years ago, by the way, I was elected in 1995, not 1996, I started my term in 1996, so that's one thing I want to clear up and number 2, John Flynn who is my very, very good friend, I love and respect and honor, I didn't lose cases (laughter), I won cases so but quick story, I've told it before. Back in 1995 when Joe Cassata was retiring and becoming a Judge, Gayle Syposs came to me one time and said, Ron, I want you to run for City Attorney. I said no, I'm not interested, I'm just a lawyer. She came back, maybe a week later, Ron; I want you to run for City Attorney. No, I'm just a lawyer. The third time, she came to my house, she brought a 6 pack of beer and my house had like a breakfast counter, she sat down at the stool with the 6 pack, and I don't drink beer but by the time the meeting was over, I said alright already, I'll run for City Attorney. But I said, I just want to be an attorney, all I ever wanted to be was an attorney and I realized that was all I really was throughout this entire time. I looked at it from the very beginning; I thought about it as being this political thing that I was unfamiliar with. Well what I needed to do was just continue to be an attorney. The political thing all worked itself out. I am a Democrat; I used to be a more liberal Democrat than I am now. I'm leaning unfortunately to the right a little bit, I'm more of a Conservative Democrat but through and through and throughout my entire term that I was here, 22 years, I worked with Democrats, Republicans, Conservatives. Some of my very closest friends, and I've said this before, are Republicans. For example, Ron Pillozzi, good example, Chuck Gilbert. And the political aspect of it, I never even thought about, I knew I needed to do what I needed to do to part of the party and I was a good Democrat but I never saw anybody as Democrat or Republican or Conservative. I saw them as a person and those were the people I dealt with and the political aspect of it. What I also saw throughout my 20 some years, I saw that I was just continuing to be that lawyer that I wanted to be but I did that lawyering for what I believed to be the good and the benefit of the City that I love and the community that I love and the people that I love here in the City. I want everybody to know that this City has been terrific to me. I mean, I made so many dear friends throughout the time that I've been here in the City. I started practicing law here, I moved into my office in 1979 but I started practicing as an Attorney in this Courtroom back in 1977 so that's a while ago. My point is, these years that I have been here in government and these years that I have been here in the City, I wouldn't trade them for anything in the world. Going back to that original story, with Gayle I said no, I said no, I said no, finally I said yes and it was probably one of the greatest and smartest yeses that I made in my lifetime because I will never be able to get a greater memory or feeling in my heart than I have for what I was able to do for the community as far as my being the City Attorney. That's all I ever wanted to do, I never looked for and Gayle knows this, in fact I called her this afternoon to talk to her, to really thank her for putting this together and she said "don't tell me you're not coming tonight" (laughter). I never expected this and I never asked for this. I never wanted any accolades, I never wanted any tributes, and all I wanted was to do my job. I think I did it well and I did it to the best of my ability and I did it because I love these people in this room, I love the people in the community and I love the City and it's been great to me. Lastly, I want to thank Gayle for basically putting this together for me and I know in conjunction with the Mayor. Thank you very much because she wouldn't let me out of the City without doing something. My intention was to just fly away and no body would even know I was gone and she wouldn't let me do it. I want to also say, I want to thank everybody came here because I've got some great friends, Lou Cacciato, we've been together for ever, Mayor Pillozzi, Christine, I've got Steve Bengart, a very good close friend in legal business and just so you know, Steve has taken over my practice with his partner, Jimmy DiMarco. Steve is a man of honor, integrity, hard work and I have the utmost respect. Judge Carvello from the Town of Tonawanda is here, he is also a very good friend and I appreciate it and Brother, Sister in Law and my beautiful Wife Marie who so you know, is taking me to Las Vegas and I will tell you this one last quick story cause not everybody knows this and then I'm going to stop. When I was seventeen years old and Marie was sixteen, she was my girlfriend in high school; I took her to my Senior Prom. After High School, we went our separate ways. I went off to college, she got married, and she moved to Las Vegas, she raised a wonderful family. There were changes obviously in both of our lives over so many years and forty four years later we got back together. I went to Las Vegas and I

retrieved her and brought her here and promised her we would only be here a couple of years but it's been a while. Anyway, we're going to Las Vegas to live in sunshine and I want to spend the rest of my time with my beautiful, my wonderful loving wife and best friend. Thank you all for coming and I appreciate it.

COMMUNICATIONS FROM THE MAYOR

Letter to Jason LaMonaco reappointing him as City Engineer
Letter to Charles Rech appointing him to the Waterfront Revitalization Board with a term to expire December 31, 2021
Letter to Gayle Syposs appointing her to the Waterfront Revitalization Board with a term to expire December 31, 2021
Letter to Mayor Rick Davis from Magavern & Loretto, PC regarding Proposed Opioid Litigation
Letter to Mayor Rick Davis and the Common Council requesting approval for Green Beer Sunday from the Gateway Harbor of the Tonawanda

COMMUNICATIONS FROM CITY OFFICIALS AND CORRESPONDENCE

Communication from Councilmember Gilbert to Senator Chris Jacobs asking for his assistance in obtaining installation of FIOS by Verizon for the City
Notice from National Grid advising of a field audit of National Grid's company owned street lighting.
December Activity Report of the Fire Department
December Report of the City Clerk's Office
2017 Annual Report of the City Clerk
Treasurers 2017 Comprehensive Revenue and Expenditure Control as of January 16, 2018

Referred to the Committee of the Whole
Ordered filed

Council President Koch's Changes to the agenda are: Resolution #5 (16) says a newspaper of general circulation and Resolution #8 (19) it is for the Comp Plan not the Local Waterfront Revitalization Plan

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.

Ron Scott ,317 Utica Street- If appropriate I'd like to address, not a pending resolution but one that I'd like to request that the Council consider.

Council President Koch ó That would be at the end, once we get through there will be comments, I'd say anybody from the public would like to come up but the comments just now are just on the resolutions.

Ron Scott- I understand.

MOTIONS AND RESOLUTIONS

12. By the Council seconded by the Council
Resolved, that the Common Council minutes from January 3, 2018 be accepted as filed.

Ayes: Gilbert, Kammerdeiner, Young, Mileham, Koch
Nays: None

Resolution declared adopted

13. By Councilmember Mileham seconded by Councilmember Young
Resolved, that the bills be allowed as audited and that the City Clerk draw warrants on the Treasurer for the various amounts.

Ayes: Gilbert, Kammerdeiner, Young, Mileham, Koch
Nays: None

Resolution declared adopted

14. By the Council seconded by the Council
Resolved, that the reading of the resolutions be waived.

Ayes: Gilbert, Kammerdeiner, Young, Mileham, Koch
Nays: None

Resolution declared adopted

15. By the Council seconded by the Council

Whereas City Attorney Ronald C. Trabucco has announced his retirement as City Attorney effective February 1, 2018 and where as the City Charter states the following:

“Vacancies occurring in any elective office shall be filled by the common council at its next regular meeting, where practicable, after creation of the vacancy. The person appointed to fill the vacancy shall hold office pursuant to New York State law. In the case of a tie vote to fill a common council vacancy, the mayor shall cast the deciding vote and

Whereas, the Common Council recognizes the need for the position of City Attorney being filed in a timely manner and

Whereas, the current Deputy City Attorney, S. Michael Rua has served for numerous terms and has the required experience

Now therefore, be it resolved that Deputy City Attorney S. Michael Rua be appointed City Attorney for the City of Tonawanda effective February 1, 2018 until December 31, 2018 following an election for the unexpired term of Ronald C. Trabucco.

Council President Koch ó this resolution, subsequent to our City Attorney announcing he was retiring fills the vacancy by our Deputy City Attorney Michael Rua to be appointed as our City Attorney and I just wanted to congratulate Mike and we look forward to working with you.

Ayes: Gilbert, Kammerdeiner, Young, Mileham, Koch
Nays: None

Resolution declared adopted

16. By Councilmember Kammerdeiner seconded by Council President Koch

WHEREAS, the title of this Resolution/Ordinance has been published at least once in a newspaper of general circulation, on January 3, 2018, in accordance with Section 2.047 of the City Charter.

Now therefore, be it resolved that Chapter 62 entitled TRAFFIC AND VEHICLES, Article 5, TRAFFIC SCHEDULES, DIVISION 2, **Section 62-193, Schedule XV No Standing**, of the Tonawanda City Code shall now include:

<i>Name of Street</i>	<i>Side</i>	<i>Location</i>
Tussing Lane	North	From Delaware Street to Clarence Harder Drive
Tussing Lane	South	From Delaware Street to a point 250 feet west thereof (Townhouses Driveway Access)

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 amendment shall take effect upon publication of its title in an official newspaper of the City of Tonawanda.

Ayes: Gilbert, Kammerdeiner, Young, Mileham, Koch

Nays: None

Resolution declared adopted

17. By the Council seconded by the Council

Whereas, in accordance with Sections 2.025 and 3.051 of the Charter for the City of Tonawanda, New York, the Mayor shall appoint officers as the Mayor deems necessary or as provided by law or ordinance subject to confirmation by the Common Council,

Therefore be it Resolved, that the Common Council hereby confirms the Mayor's appointment of Jason J. LaMonaco to the position of City Engineer, term to expire December 31, 2021 at a salary as per budget.

Ayes: Gilbert, Kammerdeiner, Young, Mileham, Koch

Nays: None

Resolution declared adopted

18. By the Council seconded by the Council

Resolved, at the recommendation of the City Engineer, Jason J. LaMonaco, P.E., that award of the Niagara River Bank Soft Armor Repair Project be made to The Environmental Service Group (NY), Inc. at a cost not to exceed \$29,450.00.

Date: January 16, 2017

Funding/Fiscal Impact: \$29,450.00 from the NYSDEC Shoreline Softening Demonstration Grant

Ayes: Gilbert, Kammerdeiner, Young, Mileham, Koch

Nays: None

Resolution declared adopted

19. By Councilmember Mileham seconded by Councilmember Kammerdeiner

Resolved, at the recommendation of City Engineer Jason J. LaMonaco, P.E., that award of the City of Tonawanda Comprehensive Plan Update Amendment 2 be made to Clark Patterson Lee, at a cost not to exceed \$10,000.00.

Funding/Fiscal Impact: \$10,000.00

Ayes: Gilbert, Kammerdeiner, Young, Mileham, Koch

Nays: None

Resolution declared adopted

20. By Councilmember Mileham seconded by Councilmember Gilbert

Resolved, at the recommendation of the City Engineer, Jason J. LaMonaco, P.E., that award of the Phase 5 SSES Sanitary Sewer and Manhole Rehabilitation Change Order No. 1 be made to Milherst Construction, Inc., at a credit to the City of Tonawanda in the amount of \$80,878.94.

Funding/Fiscal Impact: (\$80,878.94) from the Capital Budget

Ayes: Gilbert, Kammerdeiner, Young, Mileham, Koch

Nays: None

Resolution declared adopted

21. By Council President Koch seconded by Councilmember Young

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 personnel.

Ayes: Gilbert, Kammerdeiner, Young, Mileham, Koch

Nays: None

Resolution declared adopted

COMMENTS BY THE PUBLIC AFTER RESOLUTIONS

Michael Rua, 255 Niagara Street, Tonawanda, NY 6 I would just like to take a moment to thank the Council for appointing me as interim City Attorney. It is an honor and a privilege to represent the City of Tonawanda and I look forward to working with the Mayor and Council in the future but tonight as we know, it is not about me it is about honoring my predecessor Ronald Trabucco; to recognize and thank him for his long years of public service to our community. To commend him for his legal competence and his easy going demeanor which has kept the City of Tonawanda on a straight course and kept it moving forward. To Ron, I would just like to say, thank you Ron for appointing me as your Deputy, thank you for being my City Attorney, my mentor and my friend. Good luck in your retirement.

Ron Scott, 317 Utica Street, Tonawanda- I am here as a member and volunteer with the Clean Air Coalition. On behalf of the Clean Air Coalition I have a request for the Council to consider for resolution. As you may know the Clean Air Coalition has been involved with a couple of initiatives which you may be familiar with, the Tonawanda Tomorrow and also what we call Just Transition with residents of the area, labor organizations and other stake holders. Both of these arouse after the closing of the Huntley Plant. We don't yet know what is going to happen with the site, whether it's going to be re powered, whether it's going to be turned to some other use or development. But our concern with the site is the likelihood that there is hazardous waste material remaining on the site and we know that there are coal piles, ash ponds and fly ash landfill and we also know that the known by products of coal waste are arsenic, mercury, cadmium, selenium and chromium. We already have a Class Two Superfund Site next door and what we ask the Council to consider doing is to pass a resolution calling upon the County Executive to add the site to what is know as the registry of known or suspected hazardous waste sites. This is pursuant to New York Environmental Conservation Law. I have copies of the relevant statute for the Councilmembers which I will give to you. What this will do, if the County Executive added the site to the registry, this would trigger the Department of Environmental Conservation to enter onto the site and be able to conduct what is called a site characterization. Is there (inaudible) , what is the nature of the hazardous waste, is it a brownfield, is it a superfund? What should be done? Although this is not located in the City, it's in our backyard, it is upstream and whatever happens to this site, however it is developed, the economic benefit is going to (inaudible) to the Town but also to the City

because it's all (inaudible) so I will give the Clerk copies of relevant section of the Environmental Conservation Law but also my contact information in case the Councilmembers have any questions and I am also going to give you the contact information for the Executive Director of the Clean Air Coalition Rebecca Newberry and I thank you for your time.

Tony Dibello ó 341 Niagara Street- I purchased a home, 19 Fletcher through the City Auction back in December and as several of you are aware, there is a garbage pile there. I'm here to voice my opinion and state the facts. When we moved into that house and took a look at it it was a disaster. Garbage everywhere, piled up this high inside and outside. So our first task was to remove all the garbage so the first week we did and we put a load of garbage out about this high in front of the house according to all the rules and regulations, bent over nails, carpets cut to eight feet and the next day it was all gone so I said great. We had a lot more garbage to take care of so the following week we went at it again. We started unloading the yard, cleaning up the yard, cleaning out the basement and again put out a stack of garbage about this high probably the width of the house. While we were doing it my son said maybe we should call and make sure this isn't too much which I did, called somebody at DPW, and told them where I was and what had happened the week before and they assured me there would be no problem. So we finished up, while my son was finishing up someone from the DPW stopped by and spoke with him personally, telling him he couldn't put this television out, you couldn't put this air conditioner out. My son asked him, is this too much, I got about twenty more bags to go? He assured him, no it's not. I returned to the house, my son told me about it, and I said, let's go check for the heck of it. Went down to the DPW and talked to the same gentleman and again he verified and assured me, no, not a problem. So I learned in life, not a lot of verbal stuff doesn't mean much so that's when I went to City Hall, I went on line, got the garbage rules that are posted by you that are made up by you. No where in here does it state any kind of quantity. I was contacted by Erick and he told me that the DPW was not going to pick that garbage up because there was too much. I said Erick, I didn't see anything in your rules that said there was a quantity and a dumpster load, twenty bags ten feet tall, five feet tall or whatever. There is no quantity stated. He stated he would keep me up to date so I waited for another week and nothing until I got this notice that I'm being fined. So for the record, that's what happened. Now I'm asking, is there a limit on the garbage, the amount of garbage you can put out front.? Does anybody know?

Council President Koch ó I will turn this over to the Mayor who handles the day to day

Tony DiBello - Here's a copy of your garbage rules.

Mayor Davis ó I'm going to tell you this that I made a decision that it is not up to the taxpayers to pay for the clean out of that house. That's what they make dumpsters for.

Tony Dibello ó Excuse me but there is nothing listed in your garbage rules.

Mayor Davis ó There is nothing to prevent me from not picking it up.

Tony DiBello ó I am not a contractor.

Mayor Davis ó I'm not going to sit here and argue with you. You can take it up at the end of the ten days, you can take it up with the Court as far as what they would like to do moving forward but we are not using taxpayer money to pay for clean outs upon clean outs of residents homes. That is what dumpsters are for.

Council President Koch ó Is the garbage in the City issued tote because it says right here, placed in a city issued tote.

Tony DiBello ó That's for regular food garbage if you flip it over.

Mayor Davis ó Was it in clear bags, sorted?

Tony DiBello ó Any garbage that was not put by the curbside, yes was in clear bags.

Mayor Davis- That is not what was in the pictures and not what I saw when I drove by.

Tony Dibello ó Those black bags have been removed.

Mayor Davis ó Number 2, this is not a decision that the Council makes, this is a decision that I make so I would suggest that if you have any problems moving forward take them up with our City Engineer or take them up in Court.

Tony DiBello ó I think I'd rather take it up with a news station.

Council President Koch ó thank you for your comments.

COMMENTS BY THE COUNCILMEMBERS AFTER RESOLUTIONS

Councilmember Gilbert ó About ten years ago I was brought into politics and I got to meet a couple of people, Carl being one of them and I was introduced to Ron Trabucco and I was always told that if you're going to get a comment out of Ron, you're going to have to beat it out of him and that's pretty much the way it's always been. He is very measured about how he answers his questions and he is always straightforward and to the point. He is going to be someone who is truly missed and I just want to say, thank you for everything you've done Ron, thank you for all you've done for the City and for helping me and I wish you the best in your endeavors moving forward.

Councilmember Kammerdeiner ó I would also like to say thank you Ron, for your years of service to the City of Tonawanda. I've known you outside of here for real estate matters myself. You deserve this retirement, good luck.

Councilmember Young ó I'd also like to thank the City Attorney for all his years of service to the City, what a great job he has done. Best wishes for a long and happy retirement and what a great place to retire, who wouldn't want to retire in Las Vegas, I know I would. That's the first place I'd like to go.

Council President Koch ó I think your wife is sitting in the audience.

Councilmember Young ó She knows it, she knows that.

Council President Koch ó It's on record now.

Councilmember Young ó If it wasn't for this two year commitment we might be there already. Just a reminder for all City residents, make sure you clear the snow around fire hydrants, we had that fire a couple weeks ago on Morgan Street, a lot of Firemen were on their hands and knees trying to dig out a hydrant. Takes only a few minutes to clear out the hydrant and you could end up saving somebody's life. Thank you.

Councilmember Mileham ó I too would like to thank Mr. Trabucco for his service to the City and just really quickly on a personal note, my Grandmother was having an issue with her house alarm a couple weeks ago and the Police Department made it their problem to go back and check her out, went back at 10:30 at night, can't believe she was still up but to check it out and make sure everything was ok in the house and that is was just a malfunction so thank you to Officer Gallivan who took care of this.

Mayor Davis ó Thank you Madam President, I've said enough tonight, thank you.

Council President Koch ó Several of our residents had reached some milestones and I wanted to give them some shout outs. Mr. and Mrs. Larsen recently celebrated their 60 Wedding Anniversary so I want to wish them well and today I had the pleasure of meeting Mr. Gordon Tussing, he turned 100 today so if you see him out and about please wish him a happy birthday. This Thursday is the Red for Jed Fundraiser and Blood Drive, the event is at 44 William Street from 2 till 8 PM so please stop out and support that great cause. I want to give a special thank you to the Boys and Girls Club, they had made cards for the Police Department to recognize Law Enforcement Appreciation Day and every Officer received a card so I wanted to thank them for doing that and I'd like to thank Lt. Stuart for driving me around town for a couple of hours. Stay warm, it's 63 days until spring and last but not least, what a wonderful tribute to our City Attorney, I always told him that he'd be the first person that I would call if I ever needed bail and legal advice and it's two in one there. Fortunately, I never had to make that call to him but I've reached out to him a few times for advice and everybody hit the nail on the head today,

he is your go to person and he will be sorely missed and I know speaking on behalf of all of us, we will miss him and the corduroy jacket that comes in but I wish him and his wife and entire family all the best in Vegas and with that the Council will be going into executive session.

ADJOURNMENT

22. By Councilmember Koch seconded by Councilmember Gilbert
Resolved, that this Common Council adjourn until February 6, 2018.

Ayes: Gilbert, Kammerdeiner, Young, Mileham, Koch

Nays: None

Resolution declared adopted

City Clerk

Mayor

Date Filed