

Council Chambers  
Tonawanda, New York  
June 2, 2015

A Regular Meeting of the Common Council

Present: Council President Zeisz

Present Councilmembers: Gilbert, Smilinich, Hall, Koch

Pledge of Allegiance

Silent Prayer led by Fire Chaplain, Bill Miles

**YOUTH BOARD**  
**BOOK AWARD SCHOLARSHIP**  
**to**  
**Garrett Gardner**

**COMMUNICATIONS FROM THE MAYOR**

There were no communications from the Mayor

**COMMUNICATION FROM CITY OFFICIALS AND CORRESPONDENCE**

The following monthly reports were received by the City Clerk:

- May Minutes of the Board of Appeals
- May Monthly Report of the City Clerk
- May Minutes of the SMSI Task Force meeting
- Agenda of the BOE May 26, 2015 meeting
  - Referred to the Committee of the Whole
  - Ordered filed

A letter from Niagara Hose Co. No. 3, dated June 1, 2015, regarding their opposition to any cuts in the budget to the Fire Department.

Referred to the Committee of the Whole

A letter from Deborah Fowler, dated May 30, 2015, regarding the removal of the Stop Signs at Franklin and Fletcher.

Referred to Traffic & Safety Advisory Board

Ordered File

*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

Jim Weber, 278 Fletcher Street ó This is in regards to resolution #11 and I just want to state that I fully support this resolution to put a stop sign back.

### MOTIONS AND RESOLUTIONS

140. By the Council seconded by the Council  
 Resolved, that the Common Council minutes from May 19, 2015, be accepted as filed.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

141. By Councilmember Gilbert seconded by Councilmember Smilinich  
 Resolved, at the recommendation of City Engineer Jason J. LaMonaco, P.E., that award of the contract for Intermodal Hub Design Phase services be made to C&S Companies, at a cost not to exceed \$68,400.00, pending Erie County Department of Environment and Planning approval.

Funding/Fiscal Impact: \$68,400 from Greenway Commission

Councilmember Gilbert ó Can the Mayor just kind of go over the Greenway Commission works and how he, the money that came from the Greenway Commission, what the process is so the people can understand that this isn't a budgetary item, it's from the Greenway?

Mayor Davis ó At first we had to go in front of the Greenway Commission Steering Committee to see if our project met consistency. Once we received consistency, then the Intermodal Hub Project went to the Standing Committee, the Standing Committee's the one that controls the money. Originally, we had asked for \$780,000.00, they funded \$70,000.00 which was enough for us to do the engineering necessary to provide some grant agencies with some pretty picture to secure the rest of the money moving forward. So we didn't receive as much as we wanted but we were able to receive enough to move forward on the project and hopefully start the project some time next year.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

142. By Councilmember Koch seconded by Councilmember Hall  
 Resolved, that the following be appointed Commissioner of Deeds for the City of Tonawanda, term to expire December 31, 2016: Robert H. Gregg, 332 Adam Street and Deborah Puchalski, 478 Adam Street.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

143. By Councilmember Smilinich seconded by Councilmember Gilbert  
 Resolved, that Mr. Rick Davis, as Mayor of the City of Tonawanda, is hereby authorized and directed to file an electronic Consolidated Funding Application for funds in accordance with the endorsement standards set forth by the New York State Regional Economic Development Councils, in an amount no less than 50% of the approved

funding and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the City of Tonawanda for the proposed Intermodal Transit Hub Project through the New York State Department of State Local Waterfront Revitalization Program.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

144. 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

145. By Councilmember Hall seconded by Councilmember Gilbert

**A BOND RESOLUTION, DATED MAY 19, 2015, OF THE COMMON COUNCIL OF THE CITY OF TONAWANDA, ERIE COUNTY, NEW YORK (THE "CITY"), AUTHORIZING THE ACQUISITION OF A FIRE-FIGHTING VEHICLE AND APPARATUS, AT AN AGGREGATE ESTIMATED MAXIMUM COST OF \$400,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$400,000 OF THE CITY, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE CITY TREASURER.**

BE IT RESOLVED, by the Common Council (by the favorable vote of not less than two-thirds of all the members of the Council) as follows:

Section 1. The specific purpose (hereinafter referred to as "Purpose") to be financed pursuant to this resolution is the acquisition of a fire-fighting vehicle and apparatus, including preliminary costs and costs incidental thereto and in connection with the financing thereof. The estimated maximum cost of said purpose is \$400,000.

Section 2. The Common Council plans to finance the estimated maximum cost of said purpose by the issuance of serial bonds in an aggregate amount not to exceed \$400,000 of the City, hereby authorized to be issued therefor pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, the cost of such improvement is to be paid by the levy and collection of taxes on all real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 3. It is hereby determined that such purpose is a class of objects or purposes described in subdivision 27 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such purpose is 20 years.

Section 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

Section 5. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will exceed five years.

Section 6. The faith and credit of the City are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation will be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources or charges, there will annually be levied on all the taxable real property of the City a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

Section 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of such notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Common Council pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of the sale of such bonds, and the renewals of such notes, are hereby delegated to the City Treasurer, the chief fiscal officer of the City. Without in any way limiting the scope of the foregoing delegation of powers, the Treasurer, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the City.

Section 8. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The City then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the City's official intent to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

Section 9. The City Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

Section 10. The City Treasurer is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

Section 11. The City has determined that the purpose will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQRA") is required.

Section 12. In the absence or unavailability of the City Treasurer, the Deputy Treasurer is hereby specifically authorized to exercise the powers delegated to the City Treasurer in this resolution.

Section 13. The validity of such serial bonds or of any bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if:

(1) (a) such obligations were authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of law which should be complied with as of the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

(2) such obligations are authorized in violation of the provisions of the Constitution of New York.

Section 14. The City Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in a newspaper having a general circulation in the City and hereby designated as the official newspaper of the City for such publication.

Section 15. This resolution is effective immediately.

Council President Zeisz - Resolution #5, basically whenever we do a bond resolution, it's called a bond authorization note, it doesn't mean that we're necessarily spending the money tomorrow or in a year, it just gives the city the ability to spend the money to make a purchase, so that's what we're doing tonight. It would be for a pumper for the fire department to replace a pumper that's approximately 38 years old.

Councilmember Smilinich ó The Mayor had requested that all the vehicles that the city owns be assessed and we should receive that within four to six weeks which will include the mileage and the life expectancy on whether or not any or all of them can be repaired. I would like to see that before I make a decision to spend almost a half a million dollars.

Councilmember Hall ó I have seen the truck in question and the life expectancy? Well, it should have been buried ten years ago, so therefore I still will be supporting this.

Council President Zeisz ó I think from my standpoint, I agree with Ms. Smilinich that we do have an obligation to have all the information in front of us before we make a decision to move ahead. I understand that realistically, that pumper is gonna have to be replaced, I'm guessing from the information I have so far, but I do think to do our due diligence, it is the right thing to do, especially given the fact that a bond of this nature would put us at right around a million dollars in bonding for our fire department, and we have to be conscious of the impact that this has on the community and it's not like we have all these opportunities to bring in new cash and while I realize that there is equipment that needs to be replaced, I still think that we all owe it to the residents to make sure that we make a sound decision.

Councilmember Koch ó Mr. President, can we bring Chief Stuart up to the microphone? Chief, how long would it take to get specs for this vehicle?

Fire Chief Stuart ó Anywhere from a month to three.

Council President Zeisz ó Chief, from what I understand they're gonna use basically specs from another local vehicle to kind of

Fire Chief Stuart - í we could if we chose to. We have a template set of specs which (inaudible) which we did the ladder truck quite a few years ago (inaudible) it took quite a while. This would be much quicker than that.

Councilmember Koch ó Mr. President, this resolution requires four votes, correct?

Council President Zeisz ó That's correct.

Councilmember Koch ó But a resolution for specs would only require three votes, correct?

Council President Zeisz ó Well in the past, we haven't even done a resolution to put it out. We've just given the okay for them to move ahead. We haven't done an actual resolution for them to go out and get that completed.

Councilmember Hall ó Mr. President, I believe we did that a month ago.

Council President Zeisz - And that's my understanding. That was the meeting I was not at and I understand that they were given the direction to go ahead and put the specs together. That's what I was told.

Councilmember Koch ó So has that started? Did you start the process for the specs?

Fire Chief Stuart ó No.

Councilmember Hall ó Chief Stuart, it's my understanding that it will probably only take two or three weeks if you were to piggyback off Brighton?

Fire Chief Stuart ó If we decide to piggyback, yes, like I said, anywhere between one and three months, in my experience as far as I can tell. If we do a piggyback, we still have to be specific of what we're not going to specify exactly what the other district we have a leeway of so much money above and below what they spent in order to do it that way, but again, a pumper is not a very complex type of apparatus to spec out, so yeah, three weeks to a month.

Council President Zeisz ó So Chief, realistically, if this resolution was tabled tonight, there's no reason why, not next meeting but the first one in July, we couldn't have the information.

Fire Chief Stuart ó Is that what you want, you want the specification?

Council President Zeisz ó Yes, everyone wants to see the specifications, so I don't see why we couldn't have the specifications and have the information on the current trucks by that first meeting in July and then everybody can make a decision.

Councilmember Gilbert ó Mr. President. Chief

Fire Chief Stuart - í why do you need to see the specs? I've never encountered that type of situation.

Council President Zeisz ó Well, some councilmembers would like to see them before they decide to move ahead.

Councilmember Gilbert ó Chief, can you kind of give us an overlay on when the older pumper went out, what was wrong, and how long it took to get parts for it? And what was the impact on

Fire Chief Stuart - í referring to the situation last week where we had a mechanical problem with the reserve truck, it was a simple kind of the repair wasn't very complicated but getting parts, 37 year old truck, that's one of the problems we have. Apparatus that old, when something does go, it takes a long time to get that part. We had it air mailed in, it still took three to four days, and the repair itself took a couple of days, so that forced us to borrow a truck from North Tonawanda.

Councilmember Gilbert - Did you have to close Engine 3 down?

Fire Chief Stuart - Between the time the truck broke down and we required the North Tonawanda apparatus, maybe three or four hours we didn't have an apparatus up at Engine 3.

Council President Zeisz ó And Chief, my understanding is that it would cost a little over \$100,000 to upgrade the 20 year old pump, to make some repairs to it?

Fire Chief Stuart ó It could be that high. The last estimate was in the \$70,000.00 range. The city mechanic, he's in the opinion of not doing that and just by getting off the point you should understand

Council President Zeisz - í no, I'm not saying now. I'm saying, if we were to move ahead and purchase a pumper, when that new pumper came

Fire Chief Stuart - í then we would be able to

Council President Zeisz - í send the 20 year old.

Fire Chief Stuart ó Yes, if we

Council President Zeisz ó í so that we could move in that direction which would probably would buy us 20 years.

Fire Chief Stuart ó Yes, that's the point. We're not only getting a new truck so we have our (inaudible) working but we're also extending the life of this engine #3, another ten, fifteen, possibly twenty years. If we go ahead with this purchase, our oldest pumper is ten, eleven years old, the rescue truck new, ladder truck new, I don't foresee any major purchases for at least ten to fifteen years. Keep that in mind, as far as the cost before the taxpayers in having to bond equipment. And I know I talked to City Treasurer, Joe Hogenkamp and we do have the option of looking at a ten year bond instead of a five, and that essentially cuts the payments in half which would lessen the impact on your annual budget. That's an option. I know Joe likes to do it five years but ten years is a possibility, if you want to soften that impact.

Council President Zeisz ó I guess what I would say to you is, if by the 19<sup>th</sup>, I'd like to see you kind of push to get us a report on the pumpers.

Fire Chief Stuart - What you want is a document

Council President Zeisz - í I want something that says this pumper needs this, this, this or it can't be fixed at all and the status on the 20 year old pumper, kind of what the issues are with that from a mechanical standpoint.

Fire Chief Stuart ó (inaudible)

Council President Zeisz ó Both of them, the 20 and the 37 year old.

Fire Chief Stuart - What do you want on the 37 year old, what specifically.

Council President Zeisz - I want something from our mechanics, telling us their opinion.

Councilmember Koch ó Chief, do you anticipate this exceeding \$400,000.00?

Fire Chief Stuart ó No.

Councilmember Hall ó Chief, it's my understanding that if we piggyback off Brighton, the price is (inaudible) from what they paid, right, pretty much?

Fire Chief Stuart ó The price can vary. (Inaudible). It has to be within the same again, what they ordered the reason we're looking at theirs is that what they ordered was a no frills pumper which is what we would be looking at too.

Councilmember Koch - And what's the turn around time once you have the green light?

Fire Chief Stuart ó Bill time?

Councilmember Koch ó Yes.

Fire Chief Stuart - We have to put specs out for a month, they have to come in, they have to be reviewed, five weeks. Once we sign the dotted line on anything we purchase, nine to twelve months.

Council President Zeisz ó All right, thanks Chief.

Gilbert, Smilinich, Hall, Koch, Zeisz

Ayes:

Nays:

**RESOLUTION TABLED**

- 146. By Councilmember Smilinich seconded by Councilmember Koch  
Resolved, that resolution #5 be tabled.

Ayes: Smilinich, Koch, Zeisz

Nays: Gilbert, Hall

Resolution declared adopted

- 147. By Council President Zeisz seconded by Councilmember Smilinich  
Resolved, that the reading of resolutions #8-12 be waived.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

- 148. By Councilmember Koch seconded by Councilmember Gilbert  
Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk for the BB&G Charities Zumbathon 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 Amanda Lofft and the event chairperson, now, therefore be it  
Resolved, that permission be granted to BB&G Charities to hold a Zumbathon on Saturday, August 15, 2015, beginning at 12:00 P.M., and be it further  
Resolved, that any overtime that is incurred during this event will be paid for by BB&G Charities, 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 7, 2015.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

- 149. By Councilmember Smilinich seconded by Councilmember Hall  
Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk for the Anne Puscheck Miller Walk for Life 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 Amanda Lofft and the event chairperson, now, therefore be it  
Resolved, that permission be granted to Sonrays Ministries to hold the Anne Puscheck Miller Walk for Life on Saturday, September 26, 2015, and be it further  
Resolved, that any overtime that is incurred during this event will be paid for by Sonrays Ministries, Inc., 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 September 18, 2015.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

150. By Councilmember Gilbert seconded by Councilmember Smilinich  
Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk for Movie Under the Moon, 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 Amanda Lofft and the event chairperson, now, therefore be it  
Resolved, that permission be granted to Butterfly Moon to hold a Movie Under the Moon on Wednesday, July 1, 2015 at 7:00 P.M., at Veterans Park, and be it further  
Resolved, that any overtime that is incurred during this event will be paid for by Butterfly Moon, 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 June 26, 2015.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

151. By Councilmember Hall seconded by Councilmember Gilbert  
Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk for Walk for Water 5K, 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 Amanda Lofft, and the event chairperson, now, therefore be it  
Resolved, that permission be granted to St. Martin Lutheran Church to hold a Walk for Water 5K on June 20, 2015, from 10:00 A.M. to 12:00 P.M., and be it further  
Resolved, that any overtime that is incurred during this event will be paid for by St. Martin Lutheran Church, 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 June 12, 2015.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

152. By Council President Zeisz seconded by Councilmember Gilbert  
Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk for Rock the River Summer Christian Concert, 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 Amanda Lofft and the event chairperson, now, therefore be it  
Resolved, that permission be granted to Bethesda Full Gospel Church to hold Rock the River Summer Christian Concert on June 20, 2015, from 7:00 P.M. to 9:00 P.M., and be it further  
Resolved, that any overtime that is incurred during this event will be paid for by the Bethesda Full Gospel Church, 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 June 12, 2015.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

153. By Councilmember Smilinich seconded by Councilmember Hall  
 On May 19, 2015 the Common Council passed resolution #121 concerning the removal of stop signs, now be it  
 Resolved, that the following location for stop sign removal is hereby rescinded from that resolution:

<u>Stop Sign On</u>	<u>Direction of Travel</u>	<u>At Intersection of</u>
Fletcher Street	East	Elmwood Park West

Councilmember Gilbert ó I just think that this is a smart move. Going up and down Fletcher Street, that's a turn and a bend and you can't see coming up Elmwood, so I think it's a good move and I applaud the Council for doing this.

Councilmember Hall ó I too, when I got a couple calls, drove down Elmwood Park and that curve does make it very hard to see. That's why I'm seconding this resolution.

Councilmember Koch ó What's the turn around time to get that stop sign back up there?

DPW Superintendent Joe Warthling ó It should be published, right? Once it's published in the paper we can (inaudible).

Council President Zeisz ó That's the only thing, it has to be published.

Councilmember Gilbert ó Mr. President, can we do a temporary?

Council President Zeisz ó We can't pass it.

Mayor Davis ó Chief, hypothetically, if the stop sign went missing and was put back into that location, would we then take it back out, hypothetically speaking?

Council President Zeisz ó I'm gonna make a motion to table the resolution, based on the fact that it does have to be published.

Gilbert, Smilinich, Hall, Koch, Zeisz

Ayes:

Nays:

**RESOLUTION TABLED**

154. By Council President Zeisz seconded by Councilmember Gilbert  
 Resolved, that resolution #13 be tabled.

Councilmember Smilinich ó I just feel that there needs to be a way around it.

Council President Zeisz ó Well if there is, I don't know what it is.

Councilmember Gilbert ó Mr. President, can we call Mr. Trabucco down to see if there is some way we can do something?

City Attorney Ron Trabucco ó It's the City Code.

Council President Zeisz - Let me ask this question because I've never done this. Can we pass the resolution and then publish? That doesn't sound right to me.

City Attorney Ron Trabucco ó No. (inaudible)

Council President Zeisz ó Yeah, that's what I thought. So we're gonna have to wait until the next meeting. That's what I figured.

Councilmember Gilbert ó (inaudible) temporary?

City Attorney Ron Trabucco - Unless you (inaudible) for the safety and the welfare of the community, (inaudible) necessary, you could replace it. Then you still have to pass the ordinance, you know what I'm saying?

Councilmember Gilbert ó Mr. President, I'd like to bring the Police Chief up and get him on the record to say it's in dire need.

Police Chief Strassburg ó So you can put it up, but it's not enforceable, so that's worse than having nothing at all because they can treat it as option, so I think you're at bigger risk putting something up that's not legal than (inaudible). It's unfortunate.

Council President Zeisz ó So you can get it published and then we'd have to wait until the next meeting. It takes basically ten, eleven days for publishing, so I've got a motion on the floor to table and a second from Mr. Gilbert. Call the roll.

Council President Zeisz ó The resolution is tabled. We'd publish tomorrow the title for putting a stop sign back up and then we can't do it until the 19<sup>th</sup>.

Councilmember Koch ó Mr. President, can we just request extra patrol in that area if possible?

Council President Zeisz ó If everyone wants to stay on this room, I suggest that you conduct yourself in a fashion that we can have one meeting, with one person talking please.

Ayes: Gilbert, Koch, Zeisz

Nays: Smilinich, Hall

Resolution declared adopted

155. By Councilmember Smilinich seconded by Councilmember Hall  
Be it Resolved, that the City shall arrange for a Phase II Environmental on the four acres of Little League Drive area and shall pay the cost of same, not to exceed \$3500.00 in an effort to conclude a land swap with the City's school district involving the City receiving Clint Small Stadium.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

156. By Councilmember Smilinich seconded by Councilmember Hall  
Bet it Resolved, that Mayor Rick Davis has declared an emergency situation that requires the immediate installation of a stop sign on:

<u>Location</u>	<u>Direction of Travel</u>	<u>At Intersection of</u>
Fletcher Street	East	Elmwood Park West

City Attorney Ronald Trabucco stated that this resolution is an emergency resolution, and therefore, does not require prior publication.

Ayes: Gilbert, Smilinich, Hall, Koch, Zeisz

Nays: None

Resolution declared adopted

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- *All questions and/or comments should be addressed to the President of the Common Council.*

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- *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**

Council President Zeisz ó And the next person up to the mike is Captain Foels, who is a member of the city's Traffic & Safety Board. Captain Foels is going to outline their approach and how determinations were made on signs and parking, and things of that nature.

Captain Fred Foels ó Basically, about two years ago, January 2013, the Council came to the Traffic Board, there are six of us on the Traffic Board, and I am the Police Liaison to the Traffic Board, to systematically start in the First Ward and work each Ward down as far as looking at various traffic control devices, signs, signals, etc. That is what we did, we started in the First Ward, worked into the Second Ward, and we are currently into the Third Ward. We made various recommendations for removal of some signs, removal of a couple obsolete school zones. So ward by ward, the Traffic Board is looking at various traffic control devices as far as if we really need them. I know why most of you folks are here basically was concerning Fletcher Street. Let me just tell you what the reasons were for Fletcher Street. What we really wanted to do was slow the traffic down on Fletcher Street. And you say that removing stop signs ó that's going to slow it down? Believe it or not, the long term, that would have slowed them down. We had seven locations where we took stop signs down where we did studies while the signs were up, the signs went down, and we did studies after the signs went down. The seven locations ó Willowbend & Frederick, Canton & Coronet, Tussing & Sutley, Lepeirs & Clarence Harder, Highland & Park, Grove & Broughton, William & Broughton. So we looked at those and we did traffic counts while the signs were up and the speeds. The signs went down through resolutions which took a while, and we went back to the same locations and it did exactly what the manual said it was going to do. It slowed traffic down and calmed the traffic down. So that's why the board wanted to look at the various locations on Fletcher Street ó Fletcher & Franklin, Fletcher & Kohler, Fletcher & Bouck, Fletcher & Elmwood Park, and that was ultimately what the long-term goal was for the Traffic Board was to slow the traffic down on Fletcher Street. We know people are passionate about stop signs. I understand it ó I get it. If you live on that street, you like that stop sign. But a stop sign is not to control speed. A stop sign controls traffic in said intersection. If there is a speed problem on that street, we'll address that speed problem. But they are not put up to slow cars down. That was the rationale. We looked at Fletcher Street the last 14 months. We looked at accident data, and volume on the street. The board came to that conclusion of Fletcher Street, and it went through the various channels. The board made the recommendation to the Common Council as far as removals. That's how we determine things. We just don't pick a corner and say let's pull the stop sign. Fletcher Street was 14 months in the making. So that's how the six member board comes to conclusions. We look at data, we look at speeds while the stop signs are up, and we look at speeds after the stop signs are removed. The seven locations so far that we did, like I said, it did exactly what the manual said. That's how we came to the conclusions. I'm sorry there was an accident yesterday. I feel bad about that. I looked into the circumstances of it too, and it was kind of weird of the change of events that happened. I'm sorry that it happened. That's how we look at things. If citizens come and request, we look at everything. We table everything. We had six members of the board for the last few months looking at Fletcher, parked on Fletcher, watching Fletcher Street. So the decision

made by the board wasn't a snap decision. This was 14 months in the making looking at Fletcher Street. Systematically we were working our way eventually right up to the Fourth Ward, just looking at everything and deciding if there are obsolete signage that can slow things down. Our ultimate goal on Fletcher, believe it or not, was to slow the traffic down. That is how the board came to that conclusion and made that recommendation to the Council.

Heather Sternin, 742 Fletcher Street ó I wanted to get up here before everybody starts commenting on stop signs, because I wanted to comment on Highland School. It came to my notice that at the last council meeting, the Council voted to change the zoning laws so that the owner of Highland School could put in more apartments than were originally zoned for. Correct? That came after a lengthy appeal that the Council hired an outside lawyer and paid him somewhere around \$10,000 or \$11,000 to handle that case. Correct? And then after we won the appeal, the Council changed the zoning laws any ways essentially throwing \$11,000 out the window? I just want to point out that I heard during informal tonight that somebody said something about spending the money for the Phase II and that it was an unnecessary expense. I kind of think that throwing \$11,000 out the window is a whole lot more unnecessary than Phase II, and I understand that you don't want the building to sit empty, and you don't want it to start to fall apart, but I wish you had thought of that before you allowed \$11,000 to be spent.

Council President Zeisz ó Ms. Sternin, just so you're aware, the Board of Appeals is a separate entity from the Common Council. They make decisions totally separate from us. They requested an appeal.

Heather Sternin - But you approved the payment. You didn't say that well, we're going to change the zoning anyway, so we still need to appeal that. Anyway, what's done is done, and I agree that you don't want the building to fall apart; it's just that it's \$11,000 of our money and there's talks about fire trucks, and firemen's salaries and all those kinds of things. \$11,000 is probably one-third of a starting firefighter's salary. Just think about that it's our money.

Dave Grosskopf, Jr., 19 King Street ó My daughter was involved with the accident on Fletcher & Bouck Streets. I heard what the Captain said about stop signs. I disagree with the theory that it slows it down, or you can disagree that potentially it does slow things down. What I'm concerned about is the other streets and stop signs from Clinton to Wheeler. When I got there, if I'm wrong, I would like the Police department to correct me, if you're travelling down Fletcher Street at Bouck, there's parking on that left hand side. What I saw, the explanation from the police officers talking to my daughter, views obstructed with cars parking, like if you're coming down Bouck, you're going to cross Bouck, and now that stop sign's missing on Fletcher. When you're looking to your left, there is an SUV there, which could have potentially blocked my daughter's line of sight. Today again, like some of the other council members, I was driving in that area and when you come down Kohler Street, for example, you get up to Fletcher, same thing. You've got your through fare on Fletcher, you've got your stop signs. I've got some pictures on my phone that again show that when you come up, for example, to that one on Kohler Street, if you stop where the stop sign is mounted and you can't see around that corner. You've got cars, I'm not saying they are speeding, I'm sure the police officers are enforcing that because I was out this morning and they were all over the place pulling people over for speeding in the city. You can't see around that corner and my point is, again, cars that have been doing the speed limit, travelling down that speed, you're playing a deadly game of chicken. It's my understanding, if I'm wrong you can correct me, the Council's the one that voted again by democratic majority to take the signs out. I don't know who voted, but all I'm asking is that potentially after yesterday, those be put back. And in other situations other than that blind curve on Elmwood, for example, on Kohler because when you inch up, there are vehicles parked on the street. All the trash bins are on the side of that street. It's extremely difficult with your line of sight in your vehicle to see vehicles, even travelling at the speed limit of 30 mph coming down there. That's what my daughter was forced to do yesterday. There was confusion because the car that had the right of way stopped, thinking there was a stop sign there, and it wasn't there. It wasn't that my daughter didn't stop. My daughter didn't run the stop sign. It wasn't that that car didn't follow traffic control devices. She was confused and then there

just happened to be another car plowing through there. My point is what happened was that the taking out of those traffic control devices caused confusion on the part of multiple drivers that, in my opinion, is what caused that accident. I fear, in other situations, on that blind curve on Elmwood, and that situation crossing Kohler Street, that those things can happen. There's not enough lead time, as you are inching up there, and these cars are coming down. If those stop signs were there, again, it forces that driver coming up to that four-way stop to at least attempt to slow down. My daughter and occupants were lucky. Nobody was seriously hurt. What happens if little Johnny is running across that street? Little Johnny is not going to have a fighting chance without those stop signs there. In my opinion, I'm sure the reasons were sound for pulling those out based on studies or statistics or whatever, but all I'm telling you is if its dusk or something like that, and cars are coming through there doing the speed limit, some little boy or girl is running across that street, whether they're in the cross walk or not, it's difficult coming out of those side streets to see that crossing traffic, and God forbid that's a little boy or girl. So I would ask that for safety's sake, to take a look at those thorough fares and cross walks, like we did at the blind turn on Elmwood, because there is certainly, in my opinion, other spots where it's difficult to see around the corner.

Council President Zeisz ó The one thing that I would like to point out, is that unfortunately we can't have a stop sign on every corner in the city. Even today, we don't have a stop sign at every street. It certainly seems like it, but we don't. I live on Sutley Court. The signs were taken down on Tussing. It's basically the identical situation. When I leave the Court, it is very difficult to see because there are cars parked, but you get used to it and you adjust to it. I understand that people get used to certain patterns of driving, but the reality is that when you are on the road, everyone has a responsibility. If you drive to an area you are not familiar with, you don't just stop and go. You look at the signs and you pay attention to what traffic signals they are. I think part of it is that we get so used to it in the city, what's where and what's what. I even find myself sometimes when I'm driving down the street, and I start to stop, and I'm not stopping because you kind of program yourself a certain way. The council is certainly sensitive. There is no master plan to upset the residents. The ultimate goal when this all started a couple years ago was to help correct some traffic issues throughout this city and start with certain locations. It's not like let's do this street or that street, and there are specific reasons and it comes from the Traffic & Safety doing the studies that they do. Unfortunately, it was terrible that there had to be an accident so quick after this was taken down.

Cynthia Richards, 280 Fletcher Street, right on the corner of Elmwood and Fletcher - Is that anything that can be done in the mean time before the stop sign gets put back? I know that there is stationed radar that tell you what your speed is or maybe a warning sign that there are children at play or anything of that nature that can be done temporarily before the stop sign is put in.

Council President Zeisz ó You're talking about the one right at the bend? As far as a children at play sign, they actually don't even recommend that those ever be put up because people don't pay any attention to them. Part of the thing is with signs is that when you start putting up signs, eventually people get over loaded and they don't pay attention to any of the signs. As far as that goes, I can certainly talk to the Police Chief and maybe we can put the speed counter there for a couple weeks. If we just ask the police department to make regular runs through there. It's not so bad making that turn as long as nobody illegally parks on that corner. That's where the problem comes in is when they illegally park.

Cynthia Richards ó My other problem with that corner, as I do live right there on the corner. the stop sign that's there for Elmwood Park where they will pull up, they are supposed to stop before the stop sign. They don't. They don't even stop until they get to where Fletcher Street is. That is even past where the sidewalk is on Fletcher Street. Is there anything that can be done with a permanent stop sign that there is right now at Elmwood? People don't even stop before the stop sign is my problem.

Capt. Foels ó It's location is correct, right where it is. That's right per the specs, that's where it should be. Where that stop sign is placed is proper.

Police Chief Strassburg ó But we can look at it, we can put a car there to see. They're supposed to stop at the stop sign. If they're not, we can enforce it.

Cynthia Richards ó Many people don't stop there. They don't stop until they hit where Fletcher Street comes into play.

Capt. Foels ó There shouldn't be any cars parked on the south side of Fletcher. There's no standing on the south side of Fletcher.

Cynthia Richards - There is not, but when a car pulls up they don't even stop before the stop sign because they can't see the cars that are coming before they can turn. That's another point that I would like to make.

Eric Bahm, 255 Fletcher Street ó You guys say you did a study? Where is this study? Where can we get a hold of one?

Capt. Foels ó I'll get your name and address afterwards and get it to you.

Eric Bahm - And second, this gentleman is 100% correct. There is parking on the north side of Fletcher Street. You cannot see around them. There are four vans that park there, seven foot high, with ladders on top. They park one after another. You cannot see around the corner. My son plays out front. He no longer can play out front because there is going to be a car coming onto our front walk or even through our house. Yesterday they were lucky that those cars locked up because if not, they would have been in the neighbor's front yard. It's ridiculous. Cars now have whole sale shot from Clinton Street down to Wheeler. Cars before were going 40mph, but at least with the stop sign they slowed down. Now they are just tearing down the street. Crotch rockets going 50mph down Fletcher. Just a horrible decision.

Clinton Bahm (sp), 255 Fletcher Street ó Will you please put the stop signs back up? I'm getting very scared when I ride by bike home from school (inaudible).

Andrea Karb, 255 Fletcher Street ó I left you a message. Again, the study, I never saw (inaudible) seen any presence. In fact, two summers ago we flagged down a police officer and informed them that we sat there for a period of ten minutes and watched twenty cars go right through the stop sign. Yes, I'm asking for those stop signs to be put back. Just like my husband said and like this gentleman said, at least they slow down. They might not come to a complete stop, honestly most of them don't, but we need them to slow down. Everyone is speeding up and I'm not disagreeing with the surveys that are done, those are the professionals not me, I'm not educated in that area, but I am educated in my child's safety. We have two neighbor kids, these guys have three small children in their house, they're on the other corner with a small child. There's another lady here, but she had to leave for work, she's got two small children on the corner. These are all corner houses and I'm the second house on Fletcher and Bouck. I'm telling you right now that someone will be killed there. It is going to be a child and it will be on you guys if you do not put the stop signs back. Please, I know it's not going to solve everything, I just want them back. For the children's safety, there are tons of kids that come and play in our backyard. All the kids cross, they come from Broad and Morgan. Everyone plays in our two yards, we have a connecting driveway. They come and they play in the back. You are going to ruin the summer for these children, because someone's going to get hurt there. I'm begging you to please put the stop signs back.

Jim Weber, 278 Fletcher Street ó I'm quite appalled to be honest with you. Letting bureaucracy do what you're doing. It's the same thing that happened on the 198. It took 19 years. In 1999 they were talking about it's unsafe for kids. Took them till now to realize that a kid got killed. In an instant, they can put a 30 mph sign there. They didn't publish anything in the paper for five days before they had to, and then wait another three weeks to do another meeting. This is unbelievable! Nobody on Fletcher, all the way to where they took the last stop sign down on Franklin, was ever consulted on it, was ever asked their opinion on it. This is our neighborhood. These are our kids and our families playing in these neighborhoods. And basically what you have done is you have just opened it up to slow down traffic? Everything you have compared it to, to Fletcher is not apples and oranges. Everything you were talking about was one or two stop signs in an

area. You're talking about seven stop signs in a half mile area on one of the busiest east west streets in the City of Tonawanda. A school zone with school bus stops and numerous young kids right along Fletcher. There's all sorts of apartments bring in young families with young kids. Basically you opened them up, everyone of those kids, you opened them to danger. Everybody that walks their dogs and walks down that street, you've opened them up to danger. You have ruined the fabric of the neighborhood. You have ruined the quality of our life within the neighborhood. It is a residential street, our residential street. Somebody's going to get killed. And just like when somebody sees a crack in the sidewalk, you notify the City, and if somebody trips on that sidewalk, the City gets sued. I'm notifying the City right now, that if anybody, especially any little kid, gets killed because of the stupidity of taking stop signs that have been there for 60 years just for the sake of change with no added value at all to the neighborhood or this city, I will bring the city on notice for that aspect.

Tim Bartles, 144 Bouck Street ó Fletcher is a main street where kids walk to and from school everyday. I get out of work at 2:30 and ride from Wheeler, down to Bouck everyday on my way home. I've seen three kids almost get hit by cars. I saw one where the car, doing nothing wrong, the kid was crossing, walking down Fletcher Street. The car slowed down to 20 to make a left turn, the kid had to dive onto the sidewalk to get out of the way. Who's at fault then? The driver should have been paying more attention. Maybe the kid should have been looking. But are you willing to risk the kid's life for a few seconds on Fletcher Street? Is that what this is going to take to change this back? Is it really worth the time? Is the change going to make that much of a difference? I've seen people going 40, 50 mph down that road. They might have hit the gas hard and maybe rolled through stop signs before, but they at least slowed down. I ride a motorcycle and have to cross Fletcher Street. If I can't see past a car parked there or a shrub or far enough around the corner and someone's coming 50 and they hit me, that's it.

Russ Sparrow, Fletcher Street ó We have two major problems, and one comment. First of all, there was no notification. We all woke up in the morning, we drove down the street, I go to work at 2:30 in the morning, and almost got killed. I thought I had a stop sign. The car coming had a stop sign. At 2:30 in the morning, (inaudible) pulled right out in front of (inaudible). You guys didn't tell anybody. No one knew. We can all follow rules. We all know how to read signs. We're not stupid people. Our kids have been walking these streets since they were born. My 13 year old has never seen not a stop sign on the corner. So he trots his happy butt on the way to school every day, the stop sign is gone. How is that for our safety? To slow down? The only thing you slowed down was River Road. Ain't no one had a problem lowering that speed limit to 25. No one said a damn thing and everyone gets tickets down there if you go by Mississippi Mudds too fast. But now you took out a one half mile of stop signs. I've had three cars hit, parked in the middle of the night right in front of my house, totaled. No one got hurt, except for the one that went to the tree after that, and that was with the stop signs. Now you're taking the stop signs out and you're saying, okay from Wheeler all the way down, just go for it. How can you do that? Who cares if it slows them down, at least they had to get their heads out of their rear ends at the stop sign and hit the brakes. And then you have another big problem coming. Because winter's coming and I don't know how many of you guys did in your study, sat around at the police department, but snow on the ground? But you give people a running start from Wheeler at my house? You're going to be burying people out here. Just coming here for this meeting, there was almost an accident at the corner. When you walk to our front door and all you hear are tires screeching and horns honking. It's like a regular occurrence at the stop signs. I'm going to go back there to the fire department that are looking for a pumper because they can't get a new one and a car's burning down from an accident. The stop signs got taken out when no one has any money for anything but someone sure as hell got paid to take out the stop signs. It's amazing. So it's the height of irresponsibility. You should have at least told people you were doing it. How are we supposed to know what you guys are going to do to a stop sign? I work 70 hours a week. I don't have time to read the City of Tonawanda paper. When the parking thing changed and you let everyone park overnight for the year, the police went around and put little tickets in everyone's windshields so that we all knew that the law was changing. Where was my little ticket to say that your stop signs leaving tomorrow? Look for it, be careful.

Sherry Kogut, 98 Bouck Street ó I'd like to ask the proverbial old question. If it ain't broke, don't fix it. Who decided this was broke? Who decided?  
Council President Zeisz ó As was brought up before, Traffic & Safety, over the years, has been looking at signs throughout the city and they had made the suggestion that certain signs be taken down over a period of time.

Sherry Kogut ó So the result is we pay the price, those of us who live in the area, as has been brought up. Turning from Bouck is a crap shoot. I pulled out blind this morning. For parked cars on Fletcher Street, I'm trying to turn from Bouck, turn right onto Fletcher Street, heading up Fletcher toward Kohler, it's a crap shoot and I had to pull out blind because of parked cars. At least when there were stop signs, you had a chance, they slowed down. You had a prayer of getting out. Now, you got nothing, and if it's someone, they a goner. And as Mr. Weber said, this is your responsibility to this community, to these taxpayers, and most of all, these children. Someone's child is going to die, God forbid. It's going to happen. Just watching what's gone on the last few days, it's scary. I invite any one of you, 98 Bouck Street, ya'll come sit on my front porch. I'll give ya coffee, you come and watch what goes on at that intersection. You're more than welcome, 24 hours a day. I have comfy chairs and a coffee pot ready.

Mark Walters, 45 Douglas Street ó A lot about Fletcher. What about the stop sign at Douglas and East Niagara? There's no place to cross East Niagara to get to the bike path, except all the way back to Fillmore or Niagara Falls Boulevard. My neighbor, this afternoon, had a hard time with her buggy and her daughter crossing to the bike path. The three boys a couple doors down, aren't allowed to go to the bike path because there is no place to cross the street. I walk my dog every morning on the bike path, I had a hard time this morning getting across East Niagara with the traffic, because people don't stop. Why did that disappear? Why was no one noticed? Accidents are going to happen, there is no place to cross the street to get to the bike path. Put a stop sign there. Put a sign up to stop for people in crosswalk like they did on East Niagara Street, so that people can cross the street. You're district Mr. Gilbert. All the way to Niagara Falls Boulevard, no stops, no lights, nothing. Put that stop sign back too.

Brandon McGuire, 35 Elmwood Park S. ó Young homeowner, young parent, taxpayer in the city. You guys are starting to give a long list of reasons to come to these meetings. As you can see, I'm part of the Tonawanda Fire Department, volunteer, but that's a whole other ballgame. As far as these stop sign issues, I do appreciate you guys tabling that resolution. Two things that I have been thinking about, one somebody already mentioned about approaching the intersection with the stop sign. You can't see because of the parked cars. I don't know if there's some kind of study with just no standing or no parking, distances from those corners away from the intersections on Fletcher? Something to try at least if we're not going to jump right out to put the stop sign right back. Something else that I had thought about as well was on that notion of putting that stop sign back on east bound side of the intersection of Elmwood Park, if there was never a stop sign there before going west bound, but if you put one there, you're almost creating like a bunker between one end and the other. It gives you about two blocks or so from Clinton that people can see the stop signs coming at least you know they might start to slow down, even approaching Bouck Street. And even there, I realize you have a three block stretch all the way to Wheeler, but the same thing in the other direction. Again, I know they have a three block stretch, but they see the stop sign coming. I think it wouldn't be a bad idea to make that a three way stop. Again, it would be like a half way point (inaudible). Also, please consider the fire engine for us.

Council President Zeisz ó Does anybody have any comments on things other than the stop signs? I think we certainly, between phone calls, e-mails and social media and the meeting tonight, the Council certainly understands where everybody is with the stop signs.

Bonnie, 301 Morgan Street ó All I want is the play sign, the park sign put back up that shows, they have one on Broad Street, by the park. Morgan Street does not have one. There's a high abundance of children there now, and at least if maybe they see that sign, they'll start to slow down a little more.

Mark Lands, 38 Long ó I'm just wondering about my sewer bill. I don't understand it. I am on a fixed income, and I have a daughter that just moved out, so my sewer bill from last year is higher than it's going to be for the next year. And it'll just be me. I want to understand why I have to pay for 40,000 gallons of water, when I only use 28,000? I don't understand. Why can't I just pay for what I use?

Council President Zeisz ó It probably will be best if Joe Hogankamp, the City Treasurer, come up. It's probably better to have him talk about the bill and how it works out.

City Treasurer, Joseph Hogenkamp ó I've talked to a lot of people about their sewer bills this month. Kind of the same thing that I'm going to say. Our 2014 sewer budget was about \$2 million. We adopted the 2015 budget of about \$2,350,000. So in that scenario, we needed to raise the rate 15%. There were a lot of conversations over many meetings about that 15% and exactly what you're saying, there were people on the council that wanted to keep the minimum the same. Last year's minimum was \$189, and this year went to \$217. The concept of the minimum charge is that there has to be a value that reflects being connected to the system, whether you use any water or not. In your world, if someone only used 1,000 gallons last year that means that their bill would only be \$5.44. You need to come up with something that reflects the value of being connected to the system that is going to handle your waste, no matter how much water you use. When I first started, we did water and sewer, the minimum charge was 28,000 gallons. Erie County Water's minimum charge was 9,000 a quarter, or 36,000 gallons. Jason's not here, but Jason is constantly in conversations with the DEC, and over the years we've come down (inaudible). We have to invest \$20 million into the sewer system. Those costs, when I talk to people, those costs are being borne by the residents. In the City of Tonawanda, you don't have a Chevy Plant, Dunlop Plant, Dupont Plant, that is helping you offset those costs.

Mark Lands ó So what you're saying to me is that we pay for the water and you want another charge on top for the service. My bill is going to be twice as much as what I use. Should it be that much?

Joseph Hogenkamp ó We have to see what your water consumption is going to be this year. I can tell you close to what your sewer bill is going to be. It's based on your water consumption from the previous year.

Mark Lands ó How is it based on that if you are charging me a minimum of 40,000 gallons.

Joseph Hogenkamp ó That subject in the middle.

Mark Lands ó So I'm gonna pay for 40,000 gallons when I onlyí next yearí

Joseph Hogenkamp ó í when the council is talking about keeping the minimum charge the same, of the 6,000 or so users in the system, 40% of those people get the minimum bill. So they were talking last year, why don't we keep the minimum the same and just raise the rates for everybody over the minimum. To get to that \$350,000 increase on next year's budget, you would have to increase the rates for everybody else 28%. If they were going to add \$350,000 on a \$2 million budget, that's what they were confronted with. And I'm the guy who's got to tell them, this is how it's got to be, or you're not going to make the budget. For the next 10 years, we're going to invest \$20 million into that system, and we've got to divide those costs over residents, 40% of which are seniors who use 10,000 gallons who are going to have to pay for 40,000.

Nancy Paschen, 5 Main Street ó Now I've listened to all those people complain that you didn't let anybody know. Well, how can you let them know when there is no newspaper any more. How can you let them know?

Council President Zeisz ó Well, we have started to look at some opportunities to notify residents in the future.

Nancy Paschen ó Because nobody knows what's going on in this city now.

Council President Zeisz ó One of the things, and the Mayor can speak to it, but he's been talking to the school district about their notification system which would allow us to get to residents, and we're going to have to look at other means. We do have the website, and we do have things like that, but we are going to have to look at other means to notify people.

Nancy Paschen ó Because a lot of people don't have computers, especially the old folks, like me.

### **COMMENTS FROM THE COUNCILMEMBERS AFTER RESOLUTIONS**

Councilmember Gilbert ó I want to thank everybody for coming tonight and showing your passion for your neighborhood. Last meeting, I addressed Captain Foels and asked him that if the neighborhood did not want these stop signs, we would look at putting them back, and again I'll stand behind that and say that if this is something that the neighborhood wants, we'll look at putting them back. I'm a little disappointed in the fire truck issue. The issue I have is that the truck is close to 40 years old. It took eight days to repair a radiator hose, and I just think that if it breaks down and our 20 year old fire truck breaks down at the same time, we're in a bad situation to help the residents. So hopefully we'll get some answers at the next meeting. Other than that, June 6<sup>th</sup> we're having a recycling event up at the high school, sponsored by Senator Panepinto and the City of Tonawanda Youth Board. If you have any electronics that you want to get rid of, please bring it up there. They'll be there from 9am to 2pm. And then August 6<sup>th</sup>, the Youth Board is also doing a Stuff the Bus event, which is to help kids in the City of Tonawanda with school supplies for the upcoming year. So if anybody wants to donate or help out, just get a hold of me or Bob Starr from the Youth Board, and we'll be more than happy to tell you what we need and how you can help.

Councilmember Smilinich ó I want to thank Mr. Starr and the Youth Board for coming tonight to give Garrett the award. Congratulations Garrett. Food Truck Thursdays are beginning this Thursday, so I encourage everyone to come down and participate. It's something nice that we have going on in the downtown area. I just want to say two things. Number one, on the fire truck, we didn't deny it, we just want to do our due diligence as the President said, to make sure that we're doing right for all the taxpayers. We have to make sure than when we spend this kind of money, that it's the right thing to do, it's necessary, and we can afford it, because we don't want to put the burden back on you. The second thing is yes, we did drop the ball on the notification, and it's something that we didn't think about as a council. The Traffic & Safety Committee didn't think about it. Nobody recognized that because we were so used to having the Tonawanda News put out the information. I just want to point to you that you do get, the Courier, that little blue thing that you get on your front or side door, or whatever every week. In that you have valuable information, just not what happens here, but what's happening in the city, and what's happening in the school district as well. So please take a minute and just look through it and see, because right now that's the only communication that we have. Was the removal of the stop signs placed in there? It was published in the Buffalo News, but everyone doesn't get that either. I'm just saying for now, keep looking at that because we do give a lot of press releases to them. So don't just throw it out. We will look into your concerns. I'm sorry it happened, but sometimes things that we have no control over, and that's why there're accidents. But we will look into it and we'll do everything that we can to cooperate with everyone involved in it to make sure that we do the right thing.

Councilmember Hall ó First, I'd like to congratulate Garrett also on receiving that book award. Second, on the fire truck issue, I too am sad that it got tabled. I did do my due diligence, I did talk to several firemen, the Chief, the head mechanic, and he definitely couldn't express enough how we should get rid of a 37 year old vehicle that has equipment laying out on the floor of the fire hall because it won't fit on the truck because it's so old. So I am sad about that. But as far as the stop signs go, I will sit down with the Traffic & Safety Board. We will, as a council, I'm sure, look over everything and see what needs to be done.

Councilmember Koch ó Congratulations to Garrett, I wish you the best of luck at college. Thank you for all of you coming. This is probably a record turn out. I believe that we, as a city, need to do due diligence and notify our residents, a much better job, so I apologize that that wasn't done. I think we need to look into utilizing our city website more. I also would like to thank Brian for streamlining this council meeting for those of you who could not attend, and I think that's something that we, as a council, can talk about doing further. As far as the fire truck, I know there are many of us up here that support the new truck. I did email the Chief a week or week and a half ago for the specs. This is not a dead issue, so if that resolution would have failed, unfortunately it would have been a dead issue. So we are keeping it alive, and I know we'll talk about it again at the next meeting. Hopefully, we will have the specs and we can move forward. And I am going on record that yes, I do support the pumper. It will be housed in Niagara Hose.

Mayor Davis ó I'd like to thank the council for their support on the engineering study for the Intermodal Hub and also for moving forward on the consolidated funding application to secure half the money to move forward with that project. Councilman Gilbert talked about the electronic recycling event. I believe Art on the Riverwalk is also coming up this weekend, along with The Taste the following weekend, oh I'm sorry, July, but the Taste is June 7<sup>th</sup> over in Gateway. The City Cemetery, we had the Memorial Day procession up there with a service, and I cannot say enough good things about both our DPW and Parks/Recreation, and the Team Up to Clean Up crew who worked many weekends and put in a lot of hours to get that City Cemetery looking good, including propping up of at least 60 headstones and re-securing them where they rightfully belong. As Council President Zeisz said, the shared services with the school district, we're trying to look for ways to get more information out to the public and anybody that's on Facebook knows that I probably spend too much time on it, but the more information we can get out to the residents, the better. The shared services with the schools will help us get to more residents that either have a cell phone, or have an email address. It'll be just another avenue for us to use. I would like to thank Ghostline Entertainment for approaching very, very, very, very late last night about the possibility of streaming live this council meeting and also, I believe, they're going to have it available on the website for everybody to view. And like Councilwoman Koch said, I think it's great that we have this amount of people in the audience, because when we have this much participation, I think it makes our job a lot easier. That being said, and because I am on Facebook, it pained me greatly to see some of the negativity that others expressed to different view points that our city residents had. That's not what our community is about. I'd like to think that our society is different than most because we respect the view points and opinions of other people, even if they differ from our own. So moving forward, I'd like to see more respect for people's opinions and I think it will make this city a better place to live.

Council President Zeisz ó Next time, just call me and ask, because then I won't get a text at 7:30 in the morning, is ok if we come in tonight. As far as everyone that's here tonight, I certainly do appreciate the passion that everyone has for their community, and the time that you took out of your evening to come here tonight. One of the things, and no comments about my age, I monitor social media purely to see what's being said. But from a business standpoint, my attitude is that if you want to do business, you have information to share with us, I have email, I have a phone number, we have council meetings, you can call the City Clerk, and someone will get to me or anyone up here. I don't see social media as a place to banter back and forth about what's right and wrong. Facebook is not going to fix your problem, it's not going to put the signs back. The people up here are going to put the signs back or not put them back. Whatever it might be, whether it's buying the pumper or whatever. But being here tonight helps us get information so we can make a proper decision. Everything we do is not necessarily right, it's not necessarily wrong. Sometimes we do things and we go back and say ok, well that didn't work, so we change it. But we certainly have to do a better job of notification in the future. And like I said, I think it was difficult because you become complacent, and used to having certain avenues to let people know what's going on, and then that avenue is gone, and you don't think about something that has this type of magnitude. So the council will certainly, I can speak for myself, I'm going to take a serious look at whether or not we should just put the signs back. I can't speak for everyone whether or not that's going to happen, but I'm going to take a serious look at whether that's the right thing to

do or not. As far as the pumper, yes, we are asking for a month, but for anyone that's been around for any length of time in the Fire Department, I've been around long enough to purchase two pumpers, a ladder truck, a rescue 4 vehicle, multiple emergency vehicles, and a boat. So it's not like I'm not sensitive and understanding to what the department needs. But for the sake of everyone here, I would certainly hope that you'd expect us to make an informed decision and not just, well, so and so says we need a new pumper, oh yeah, go ahead, and just spend the \$400,000. And by the way, \$400,000 comes out to about \$56 per taxpayer, per year, to pay for that new pumper, just to give you a sense and an understanding. We don't always have the opportunity to have people here. We have a select group of people that on a general basis are here and part of the meetings. One thing I'd like to share with everyone, just to give you a sense of what we face, next year's budget for 2016, we haven't done anything, we haven't done a thing, but just taking into account the union agreements, taxes are going up 4.5% and we haven't done anything. So if anybody wonders why we're taking the time, that's why. Because what ends up happening is every year there's less, and the budget is kind of at a point where there is just no where to go any more. With that, once again, I thank everyone for taking the time to come out tonight. It was great that everyone came out, expressed their feelings. Have a great night, drive home safely and God bless you.

