

Council Chambers
Tonawanda, New York
March 7, 2017

A Regular Meeting of the Common Council

Present: Council President Koch

Present Councilmembers: Gilbert, Smilinich, Rautenstrauch, Toth

Pledge of Allegiance led by Council President Jenna Koch

Prayer led by Chief Chaplin Sam Ciffa

COMMUNICATIONS FROM THE MAYOR

Letter to Jim Barber appointing him to the Traffic and Safety Board effective 2/24/17 and expiring 12/31/2020

COMMUNICATIONS FROM CITY OFFICIALS AND CORRESPONDENCE

The following monthly reports were received by the City Clerk:

February Report of the City Clerk's office

February Minutes of the Traffic and Safety Committee

February Minutes of the Board of Appeals

Communication from Chief William Strassburg reporting Annual Inspection of Dog Control Records by NYS Agriculture and Markets with compliments to Jace Kowsky, Animal Control Officer

Communication from Vietnam Veterans- Western NY Chapter 77 thanking Mayor and Council for use of the Tonawanda Senior Center and praising Doreen Harris for her assistance for their Spaghetti Dinner Fundraiser

Request from St Francis of Assisi Church to close Adam Street between Seymour and Clinton on June 10th from 9 A.M. until 9 P.M. for parish celebration

Communication from Jessica Abbott regarding her property at 222 E. Niagara Street

Copy of Communication from Amanda Lofft regarding cancellation of the Night at the Races

Communication from Erie County Board of Elections confirming HAVA Grant for Handicap Doors at 150 Fillmore.

Referred to the Committee of the Whole

Ordered filed

COMMENTS BY THE PUBLIC ON RESOLUTIONS

No comments by the Public

The Tonawanda Common Council, in an effort to conduct business in a timely fashion and maintain an open line of communication with the public, welcomes comments on resolutions and other City business.

- Persons wishing to speak and be recognized by the President of the Common Council are to be courteous, respectful, non-repetitive and brief.
- All questions and/or comments should be addressed to the President of the Common Council.
- Please state your name and address clearly for inclusion in the Common Council minutes. In the event any person wishes a response outside the confines of the Common Council meeting, please leave all necessary contact information with the City Clerk after the meeting.
- Persons may address the Common Council during (2) separate sessions of the meeting for a total of 30 minutes per session. Once prior to the resolutions and also after the resolutions prior to Common Council comments.
- Individuals may speak a total of (3) minutes per speaker per session. The President of the Common Council will adhere to this (3) minute guideline in an effort to allow everyone an opportunity to speak who wishes to do so.

- The President of the Common Council reserves the Council's right to limit or expand upon these limits as he/she may deem necessary and prudent.
- Usage of cell phones other than for emergency is prohibited during all Council Sessions.

MOTIONS AND RESOLUTIONS

38. By Councilmember Gilbert seconded by Councilmember Smilinich
Resolved, that the reading of the resolutions be waived.

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

Resolution declared adopted

39. By the Council seconded by the Council
Resolved, that the Common Council minutes from February 21, 2017, be accepted as filed.

Ayes: Gilbert, Smilinich, Rautenstrauch, Koch
Nays: None
Abstain: Mr. Toth was excused from last meeting

Resolution declared adopted

40. By Councilmember Gilbert seconded by Councilmember Toth

Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk from the LaSalle Yacht Club for their Red Flannel Cruise

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 Tonawanda Police Captain Fred Foels and Amanda Lofft, Parks and Recreation Director and the event chairperson, now, therefore be it

Resolved, that permission is granted to the LaSalle Yacht Club to hold their Red Flannel Cruise along the Canal on September 14, 2017 from 12 P.M. through September 17, 2017 at 7 P.M. with paid dock space and

Resolved, that a Certificate of Insurance naming the City of Tonawanda as additional insured be filed with the City Clerk no later than August 14, 2017.

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

Resolution declared adopted

41. By Councilmember Gilbert seconded by Councilmember Rautenstrauch

Resolved, that St. Francis of Assisi Church is given permission to close Adam Street, between Seymour and Clinton Streets on Saturday, June 10 from 9:00 A.M. to 9:00 P.M. for an outdoor parish celebration.

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

Resolution declared adopted

42. By the Council seconded by the Council

Resolved, at the recommendation of City Assessor Judy Tafelski, that the Mayor be authorized and directed to sign an agreement with Emminger, Newton, Pigeon & Magyar, Inc for the City of Tonawanda Reassessment Project update for a term from March 1, 2017 through June 2018.

Fiscal Impact: \$110,000

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

Resolution declared adopted

43. By Councilmember Rautenstrauch seconded by Councilmember Smilinich

Resolved, that the Common Council authorizes the sale of DPW Dump Truck #26, 2000 International Model #2574 for \$8,000 pursuant to the results of the online auction conducted by Auctions International from February 14, 2017 to March 1, 2017 as per the report attached and made a part hereof.

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

Resolution declared adopted

44. By Councilmember Smilinich seconded by Councilmember Toth

Resolved, that the 2017 General Fund Budget be amended to account for Federal Grant Funds received and expended in 2017 from the United States Department of Homeland Security for Border Security Operation Stonegarden Program (2015 Award \$22,810 # DHS-15GPD-067-000-01) Funds to be expended and received in Fiscal Year 2017.

EXPENSE 001-3120-100	Police Department Salaries	Add \$11,310
EXPENSE 001-3120-202	Police Department Equipment	Add \$8,000
EXPENSE 001-1641-401	Gasoline Unleaded	Add \$3,500
EXPENSE 001-0001-4003	Federal Operation Stonegarden	Add \$22,810

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

Resolution declared adopted

45. By Councilmember Toth seconded by Councilmember Smilinich

BE IT RESOLVED, that the City hereby retains the law firm of Webster Szanyi, LLP to assist and represent the City in legal matters relating to employment, labor and personnel, including but not limited to, negotiations, litigation and any and all related matters incidental thereto; together with any and all other legal matters that the City deems necessary.

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

Resolution declared adopted

46. By Councilmember Rautenstrauch seconded by Councilmember Smilinich

WHEREAS, Mayor Rick Davis previously entered into a real estate broker's agreement with Pyramid Brokerage Company of Buffalo, Inc. entitled "Exclusive Authorization to Sell/Exchange" regarding the sale of the remaining 42 acres of Spaulding Commerce Park; and

WHEREAS, the agreement has recently expired; and

WHEREAS, the City has determined that it is in its best interest to enter into a new real estate broker's agreement with Pyramid Brokerage Company of Buffalo, Inc. to sell the remaining 42 acres of Spaulding Commerce Park; and

WHEREAS, Pyramid Brokerage Company of Buffalo, Inc. has submitted a proposed agreement to the City which provides for a brokerage fee of ten percent (10%), which in fact the City has determined to be the industry standard rate;

NOW, THEREFORE, BE IT RESOLVED that Mayor Rick Davis is hereby authorized and directed to execute the proposed real estate broker's agreement with Pyramid Brokerage Company of Buffalo, Inc. entitled "Exclusive Authorization to Sell/Exchange", which shall run for a period of 1 year, regarding the sale of the remaining 42 acres of Spaulding Commerce Park, a copy of which is on file in the City Clerk's Office; and

BE IT FURTHER RESOLVED, that Mayor Rick Davis is further authorized and directed to renew the real estate broker's agreement with Pyramid Brokerage Company of Buffalo, Inc. for an additional 1 year period under the same terms and conditions if he deems it appropriate.

Ayes: Gilbert, Smilinich, Rautenstrauch, Koch
Nays: Toth

Resolution declared adopted

47. By Councilmember Toth seconded by Councilmember Gilbert

Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk from Tonawanda Gateway Harbor, Inc for Food Truck Thursdays

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 Captain Fredric Foels and Parks and Recreation Director Amanda Lofft and the event chairperson, now, therefore be it

Resolved, that permission is granted to the Gateway Harbor Inc. to conduct Food Truck Thursdays from 5-8:30 P.M. on 6/8,6/15,6/22, 6/29, 7/6, 7/27, 8/3,8/10,8/17,8/24, and 8/31,

Resolved, that a Certificate of Insurance naming the City of Tonawanda as additional insured be filed with the City Clerk no later than May 10, 2017.

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

Resolution declared adopted

48. By Councilmember Gilbert seconded by Councilmember Toth

Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk from Tonawanda Gateway Harbor, Inc for and Old Fashioned Street Dance

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 Captain Fredric Foels and Amanda Lofft, Parks and Recreation Director and the event chairperson, now, therefore be it

Resolved, that permission is granted to the Gateway Harbor Inc. to an Old Fashioned Street Dance on June 10, 2017 from 6 P.M. till 10:00 P.M.

Resolved, that a Certificate of Insurance naming the City of Tonawanda as additional insured be filed with the City Clerk no later than May 10 2017.

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

Resolution declared adopted

49. By Council seconded by Council

Whereas, the Collective Bargaining Agreement (Agreement) between the City of Tonawanda (City) and The City of Tonawanda Employees Association (CTEA) expired on December 31, 2016, and

Whereas, representatives of the City and CTEA began discussions and negotiations for terms that would extend and amend the Agreement that expired on December 31, 2016, and

Whereas, numerous negotiating sessions were held between the parties resulting in the development of tentatively agreed to terms in a Memorandum of Understanding (MOU), as attached to, and made part of this resolution, that would amend the Agreement for a period of seven (7) years, from January 1, 2017 to December 31, 2023, and

Whereas, execution and approval of the MOU is dependent on authorization of CTEA membership and the City of Tonawanda Common Council, now therefore be it

Resolved, members of the Common Council have reviewed terms contained in the

above referenced MOU, approve the terms in the MOU, and authorize the Mayor to sign the successor Agreement for the period beginning on January 1, 2017 and extending through December 31, 2023.

Councilmember Smilinich- Could you explain to the citizens please so they know what we are voting on?

Council President Koch- This is the Collective Bargaining Agreement between the City of Tonawanda and the City of Tonawanda Employees Association or also known as CTEA which expired on December 31, 2016. This is a seven year agreement.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

50. By Councilmember Smilinich seconded by Councilmember Rautenstrauch
Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk from Tonawanda Gateway Harbor, Inc for the Team UP to Clean Up Chicken Barbeque
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 Tonawanda Police Captain Fred Foels and Amanda Lofft, Parks and Recreation Director and the event chairperson, now, therefore be it
Resolved, that permission is granted to Team Up to Clean Up to hold their Chicken Barbeque on April 22, 2017 from 11: A.M. P.M. till 4:00 P.M.
Resolved, that a Certificate of Insurance naming the City of Tonawanda as additional insured be filed with the City Clerk no later than April 15, 2017.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

51. By Councilmember Gilbert seconded by Councilmember Smilinich

Councilmember Toth- Madam President could we have an explanation for this because it came in late today and I am quite positive that it didn't make it on the City website for the agenda today.

Council President Koch- There was a last minute resolution by Rotella Grants they were waiting on the final cost which they received today and therefore wrote the resolution and sent it to the Clerk to be added to the agenda. It has to be passed and filed before the 23rd of March which is why it was added today.

Councilmember Gilbert- This is to inoculate the ash trees in the City of Tonawanda and prevent the borer from moving. Do we know how many are left in the area that are not affected or are affected?

Mayor Rick Davis- We broke it down into two phases after the City was done last year. The other half is being done this year. So this is going to help cover half of the half of the cost.

Resolved that Rick Davis, as Mayor of the City of Tonawanda, is hereby authorized and directed to file an application for 50% matching funds, in an amount not to exceed \$18,000, and upon approval of said request to enter into and execute a project agreement with the New York State Department of Environmental Conservation for such financial assistance to the City of Tonawanda, New York for a City-wide Emerald Ash Borer Treatment Project.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

COMMENTS BY THE PUBLIC AFTER RESOLUTIONS

Lynn Casal, 69 Grant Street - Several weeks ago I asked the Mayor and my Councilman if the City of Tonawanda will be lifting the parking ban early so like so many other municipalities have already done. I was told that a resolution would be needed to be put forward in order for this to be changed. Today I noticed a post that was posted in the Tonawanda Community Facebook page with well over 100 comments that were posted. I myself have ample parking but others are not that fortunate. Many years ago I lived above my mother's house on 37 William Street when my daughter was a baby and it had a shared driveway and you didn't have enough room for your cars so I had to walk down to the M&T parking lot which really didn't let me park in there because obviously it was their parking lot and sometimes I was plowed in by snow. It wasn't easy to carry a baby in a car seat and everything else to my house sometimes it was late sometimes it was cold, so I have empathy for others who are having issues with this. The Village of Kenmore local law filing a document that I printed off the site today to maintain a parking ban that the mayor may authorize a change, the start and end dates to address weather or other conditions and is an easy fix and a great gesture to those who struggle with similar issues. I would like to ask the council to support a resolution going forward to change the parking ban to in order to give the mayor more flexibility in making that choice and the power to do so. Thank you for those who took the time to respond to my correspondence today. It was greatly appreciated.

Mike Barry, 48 Erie Street- I am the Vice President of the CTEA. I want to thank you all for this contract. Everything has been going alright and we are here to serve the City. I just want to say thank you.

COMMENTS BY THE COUNCILMEMBERS AFTER RESOLUTIONS

Councilmember Toth- I spoke briefly with Ms. Casal and one of the comments that I did make to her was that as a City we try rely on the Department Heads to guide us with what we think is best sometimes in the City. I know that there were conversations with Mr. Warthling about lifting the parking ban and trying to get that amended. I know that there is a lot of spring time clean-up that he likes to get done at this time. In addition to that, the Mayor can probably attest to this that we most notably know that we are not safe in this area from winter weather until about after St. Patrick's Day. Although I don't have any personal opinion as to whether there there or not I do like to rely on our Department Heads and have them guide us. I think Mr. Warthling did a good job in doing that with us this time. Obviously this is something down the road that we can look at for sure and I would certainly be open to those conversations. I thank you for your comments tonight and for coming down and taking the time to speak with us again. Congratulations to all our fine employees on their new contract. As many know, I'm not a big fan of long term contracts but it is well worth it so congratulations guys. Thank-you.

Councilmember Rautenstrauch- I have nothing to report.

Councilmember Smilinich- I want to thank the DPW. I know we tell Mr. Warthling all the time what a great job that we feel that you people are doing. You are all here so I want to personally thank you all and continue on.

Councilmember Gilbert- Again, congrats back to you guys for getting your seven year contract done. We look forward to a good seven years not having to worry about contract negotiations. I want to reiterate what Mr. Toth said that I did speak to Mr. Warthling about the parking, between the streets clean up, street sweepers. Anytime that we put the parking out at a different time it puts the budget and the time frame of getting things done at a different level. It puts the DPW guys behind the eight ball, but I am open to more discussions if the council is willing. So we will look at that moving forward. I wanted to reach out to the Police Department and congratulate Patrolman Cruz on his off duty work in getting the burglar that was trying to make it look like she was an in house nurse. That was great work on his part and I just wanted to say thank you.

Mayor Davis- We still have checks trickling in for Ethan Ashcroft, so I do not have the total as of yet on the amount of money that's been raised by the Police Department, by the Anchor Bar, by everybody. My hats off to everybody in the community for rallying around this young man. Green Beer Sunday was a wonderfully brisk day to get together to drink beer under a tent. I would like to thank everybody for coming out for that. Harzfest was well attended. I would like to thank them for their continuing work every year to make our community better. I would like to add the CTEA Executive Committee was a pleasure to work with, as was the police, as the fire department was too. I look forward to working with them in the future. Thank you Madam President.

Council President Koch- Shrek the musical will debut March 9th at Tonawanda High School; if you have a chance to check it out please do so. I want to congratulate all the quality students from North Tonawanda, Cardinal O'Hara, and Tonawanda High School and thank the organizers who help put together a wonderful evening. As the Mayor said Harzfest was an amazing event. It was so great to see so many friendly community members turn out to help out their foundation. The Harzlak Foundation does so much for our community. So I want to thank them. Lastly, but certainly not least, thank you and shut out to the DPW, for the work that you do, day in and day out, and I was very honored to support that agreement.

ADJOURNMENT

52. By Council President Koch seconded by Councilmember Toth
Resolved, that this Common Council adjourn until March 21, 2017.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

City Clerk

Mayor

Date Filed