

Council Chambers
Tonawanda, New York
May 2, 2017

A Regular Meeting of the Common Council

Present: Council President Koch

Present Councilmembers: Gilbert, Smilinich, Rautenstrauch, Toth

Pledge of Allegiance led by Council President Koch

Prayer led by Associate Chaplain Brenda Whelan

Bid Openings:

Wednesday, April 12, 2017
9:30 A.M.

Road Building Materials

LaFarge North America, Inc.

75 Pineview Drive
Amherst, NY 14228

Urban Top or Equal	Per Ton	\$49.50
Type 3 Binder	Per Ton	\$44.99
Type 6F Top	Per Ton	\$46.01
Type 7f Top	Per Ton	\$48.14
Type 9.5mm Polymer	Per Ton	\$52.85
Cold Patch (QPR)	Per Ton	\$90.00
#1 Stone	Per Ton	\$15.25
#2 Run of Crush	Per Ton	\$10.25

New Enterprise Stone & Lime Company, Inc.

500 Como Park Blvd.
Buffalo, NY 14227

Urban Top or Equal	Per Ton	\$57.11
Type 3 Binder	Per Ton	\$48.57
Type 6F Top	Per Ton	\$51.66
Type 7f Top	Per Ton	\$52.52
Type 9.5mm Polymer	Per Ton	\$59.59
Cold Patch (QPR)	Per Ton	-----
#1 Stone	Per Ton	\$16.75
#2 Run of Crush	Per Ton	\$10.95

Paving Equipment and Operator Rental

Wednesday, April 12, 2017
9:45 A.M.

Robinson Paving

P.O. Box 266
East Aurora, NY 14052-0266 Total Bid \$576.00

Milherst Construction

P.O. Box 430
Clarence Center, NY 14032-0430 Total Bid \$579.00

COMMUNICATIONS FROM THE MAYOR

Letter from Mayor Rick Davis to Mr. Rick Kozuback, President and CEO of International Coliseums Company requesting a meeting regarding Letter of Understanding proposal for a Multi-Purpose Events Center at Spaulding Commerce Park submitted in October 2016

- 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

95. By Councilmember Smilinich seconded by Councilmember Toth
Resolved, that the Common Council minutes from April 18, 2017, be accepted as filed.

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

Resolution declared adopted

96. By Councilmember Smilinich seconded by Councilmember Rautenstrauch
Resolved, that the readings of the resolutions be waived.

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

Resolution declared adopted

97. By Councilmember Gilbert seconded by Councilmember Rautenstrauch
Resolved, that the 2017 Road Building Materials Contract be awarded to LaFarge, North America.

Budget Impact: \$210,000 2017 Chips Program Budget

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

Resolution declared adopted

98. By Councilmember Gilbert seconded by Councilmember Smilinich
Resolved at the recommendation of Joseph Warthling, Superintendent of Public Works that the 2017 Paving and Equipment Operator Rental bid is awarded to Robinson Paving, Inc, per their submitted bid on April 12th, 2017 at \$576.00 hour.

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

Resolution declared adopted

99. By Councilmember Gilbert seconded by Councilmember Toth
Resolved that the Mayor be authorized to sign a Shared Services Agreement with the Town of Tonawanda to mill various streets within the City of Tonawanda during the summer of 2017.

Councilmember Gilbert- Madam President, I would just like it if Mr. Warthling could give us a quick update how the Town has saved us a little bit of money by doing the milling for us. Because that is what this is about right?

DPW Superintendent Joseph Warthling- I just got the bid in from the Town it is a \$1.05 a square yard. Last year for the farther part of Niagara Street the Town took their miller off

the road and we had to sub it out to Miller's Miller and it \$2.58 a square yard. That is how much we saved per square yard by the Town doing it.

Councilmember Gilbert- Thank you Mr. Warthling. I just want to real quick thank the Town for entering in the shared services agreement with us. It's very cost effective and I know they do a great job and they do it very quickly.

Council President Koch- Thank you Mr. Gilbert. I want to turn it over to the Mayor so he can give an update on the various streets that will be completed.

Mayor Rick Davis- The streets that we are going to accomplish this year with the paving contract are; Grove Street from Fletcher Street to Main Street, Grove Place, Clinton Street on both sides from Broad Street to Main Street, Niagara Shore, the Niagara Shore Loop, Adam Street from Bouck Street to Franklin Street, Adam Street from Franklin Street to Hinds Street, all of Ridgedale Circle and all of Bellhurst Street. If the weather gods shine on us we'll squeeze in a street or two towards the end of the year.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

100. By Councilmember Rautenstrauch seconded by Councilmember Koch
WHEREAS, William G. Harmon was appointed by the Common Council to the Position of Plumbing Inspector, on a temporary basis, effective January 1, 2017 subject to the terms of the Memorandum of Agreement dated December 20, 2016;

WHEREAS, the Common Council desires to extend William G. Harmon's term to December 31, 2017, again subject to the terms of the Memorandum of Agreement dated December 20, 2016 on file in the City Clerks office.

NOW THEREFORE BE IT RESOLVED that William G. Harmon is hereby re-appointed to the position of Plumbing Inspector, through December 31, 2017, again subject to the terms of the Memorandum of Agreement dated December 20, 2016.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

101. By the Council seconded by the Council
Resolved that Michael Abramo, 79 Fletcher Street, Christopher Gallivan, 261 Hinds Street and Megan Morrow, 178 Brookside Terr West be appointed Commissioner of Deeds in and for the City of Tonawanda with terms to expire December 31, 2018.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

102. By Councilmember Gilbert seconded by Councilmember Smilinich
Resolved, that permission is granted for the residents of Follette Lane to conduct a Block Party between Ridgedale Circle and Willowbend Road on July 22, 2017 from 10:00 A.M. until 8:00 P.M.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

103. By Councilmember Smilinich seconded by Councilmember Toth
Whereas, a Special Events application was received by the City Clerk from the Salvation Army for their Salvation Army Extravaganza,
Whereas, the application was reviewed and commented on by all appropriate department heads to insure the safety and well being of our residents,
Whereas, all details for the above named event must be coordinated with Tonawanda Police Captain Fred Foels and the event chairperson, now
Therefore, be it resolved that permission is granted to the Salvation Army to hold their Salvation Army Extravaganza on Saturday, May 6, 2017 starting at 5:00 P.M. through Sunday, May 7, 2017 ending at 5:00 P.M. and,

Resolved, that a Certificate of Insurance naming the City of Tonawanda as additional insured be filed with the City Clerk no later than May 5, 2017.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

104. By Councilmember Smilinich seconded by Councilmember Gilbert

Whereas, a Special Events application was received by the City Clerk from SonRays Ministries for the Anne Puscheck Miller Walk for Life,

Whereas, the application was reviewed and commented on by all appropriate department heads to insure the safety and well being of our residents,

Therefore, be it resolved that permission is granted to SonRays Ministries to hold their Anne Puscheck Miller Walk for Life on Saturday, July 29, 2017 from 7:30 A.M. - 12:30 P.M. and,

Resolved, that a Certificate of Insurance naming the City of Tonawanda as additional insured be filed with the City Clerk no later than July 22, 2017.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

105. By Councilmember Rautenstrauch seconded by Councilmember Smilinich

Whereas, a Special Events application was received by the City Clerk from the Cystic Fibrosis Foundation for the Tonawanda Great Strides Walk,

Whereas, the application was reviewed and commented on by all appropriate department heads to insure the safety and well being of our residents,

Whereas, all details for the above named event must be coordinated with Parks Director Amanda Lofft and the event chairperson, now

Therefore, be it resolved that permission is granted to the Cystic Fibrosis Foundation to hold their Tonawanda Great Strides Walk on Saturday, May 20, 2017 at 9:00 A.M. and,

Resolved, that a Certificate of Insurance naming the City of Tonawanda as additional insured be filed with the City Clerk no later than May 13, 2017.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

106. By Councilmember Rautenstrauch seconded by Councilmember Toth

WHEREAS, direct and widespread communications between the City government and our residents and businesses is very important and is of the highest priority of our government; and

WHEREAS, since the closing of The Tonawanda News there has been no vehicle by which the direct and widespread communications can take place; and

WHEREAS, a task force was set-up by the Mayor and included Council representation to look into how the City might improve its direct and widespread communications to our residents and businesses; and

WHEREAS, the City's web-site, now managed by the company, Revize, may be updated such that its ease of use by our residents and businesses may be enhanced and will include the capability for the City to "push out" information in a direct and widespread basis to our residents and businesses, by email to begin and followed soon after by text; and

WHEREAS, the task force determined that upgrading the current web-site through Revize provides the capabilities needed. The financial impact on the City is: \$5,375 for the upgrade as described in the attached and the email "push out" capability and an additional \$4,900 for the text "push out" capability as described in the attached; and

WHEREAS, the current maintenance contract with Revize is through March 2018 and we would enter into a four-five year contract with them for the above services starting at the end of the current contract for an estimated annual fee of 6-7% above the current annual maintenance cost of \$1,500 for the upgraded web-site

(including the email "push out" App, and whereas the Treasurer has identified the budgetary line item to cover the above costs at no increase to the 2017 operating budget, be it;

THEREFORE RESOLVED, that the Mayor be authorized to enter into a contract with Revize to provide the above referenced services at the above referenced cost, and for a period not to exceed two years. Contract on file in the Office of the City Clerk.

Councilmember Rautenstrauch- I would just like to add to it that this is something that I am excited about and I was happy to be a part of an effort to reach out to the people to directly reach out to residents and businesses. The City Hall employees have been working on getting this together. It involves renewing the website, refreshing the website, making links easier. Making the website easier to navigate as well as participating with certain apps that you can sign up for and City Hall can reach as far as announcements or emergencies or anything else. I'd like to say thanks to the members of the committee that put this together; Charlie Rech, Caitlin Rech, Coleen Overholt who has been doing the updates to the website and been doing a great job of it, Mandy Lofft, and Lt. Scott Sheehan, Mayor and Gayle as well. I appreciate being a part of it. I look forward to seeing this rolled out in the next couple of months. Keep an eye out on social media if you are a part of it to see how to sign up for notifications. We should be able to send mailers out and tax notices and other communications to residents.

Mayor Davis- I want to thank the school system. This was a conversation we had about this time last year on SMSI using their blackboard and the school district was very accommodating to us with our LWRP Comp Plan notices. I wanted a system that we could control not ask the school's permission to use. In January we sat down and formed this committee to really look at updating the website and bring things into the 21st century with an app that we are able to put things out to residents to make it even easier.

Council President Koch- Sean can you just kind of give us a recap of what kind of changes we will see to the website?

Councilmember Rautenstrauch- I think it will be more modernized. We are going to ask for input from the residents what they would like to see to make things easier; links to be easier to follow and navigate. It will be fitting in with other websites that you are used to using; links a little more easier to navigate; website a little easier to navigate, more information on the pages, more updates I think that's pretty much it. Little things as far as making it optimized for mobile devices and phones so it is a little easier to read when you access the site. Hopefully some more features and notifications on the website.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

107. By Councilmember Gilbert seconded by Councilmember Rautenstrauch
WHEREAS, the Collective Bargaining Agreement (CBA) between the City of Tonawanda (City) and The Uniformed Professional Firefighters Association, Local 859, IAFF, AFL-CIO expired on December 31, 2016; and
WHEREAS, representatives of the City and Local 859 have engaged in discussions and negotiations for a successor agreement to the CBA; and
WHEREAS, the foregoing discussions and negotiations have resulted in a tentative agreement dated April 10, 2017, a copy of which is attached hereto and made part of this resolution; and
WHEREAS, the tentative agreement requires the review and approval of the Common Council and the membership of UFA Local 859; and
WHEREAS, Mayor Rick Davis has now presented and supported the tentative agreement to the Common Council for ratification;
NOW THEREFORE BE IT RESOLVED, that the Common Council has reviewed and considered the tentative agreement and hereby approves the terms thereof and hereby

authorizes and directs the Mayor to prepare and execute a successor agreement in accordance with the terms of the tentative agreement.

Councilmember Smilinich- I want to begin by stating that our City Fire Department along with the others is what makes this a great city. It's a great place to live and I've always respected and appreciated all of your service. That being said, we as a council have a budgetary responsibility to the taxpayers of this community and a commitment to make good decisions for the fiscal well-being of our budget. I find my self in an uncomfortable position having to oppose this resolution approving the contract of our Fire Department. I do not object to the terms as it relates to the pay scales and I feel that is inline with the other contracts we have approved. What I cannot accept in this contract is a reference to staffing remaining at the 2017 budgetary levels with a term of this contract seven years. None of us sitting here tonight can know what the future will bring financially for our city but we do know with certainty that health insurance costs keep escalating with no end in sight for our current employees and retirees for one thing or what we might encounter in the coming years; would there be a disaster we had to face or a lawsuit we had to address, no one knows. We would be forced to continue to reduce spending for sidewalks, parks, summer help, trees, those good things we all want. I do not see how we can make a commitment to a staffing level in any department in good conscience. Obviously, we all want to see our services maintained but what if the tax rate just becomes unreasonable. Does every other department in the city face reductions except the Fire Department for seven years? We need to look no further than Lockport in recent years to see what tough decisions they had to make. I applaud our Fire Department. There is no better in my opinion. I truly mean this from the bottom of my heart. But I cannot in good conscience support the contract that ties the fiscal hand of our city in the event of tough fiscal times. I am forced to vote "no" due to this minimum staffing section of this contract. I call on my colleagues to seriously think of the potential constraints that this can put on our city budget. Thanks.

Ayes: Gilbert, Rautenstrauch, Koch

Nays: Smilinich, Toth

Resolution declared adopted

108. By Councilmember Gilbert seconded by Councilmember Smilinich
WHEREAS, TONAWANDA AMERICAN LITTLE LEAGUE, INC. has requested permission from the CITY OF TONAWANDA to use the "Senior Baseball Field" located at 111 State Street, Tonawanda, commonly referred to as Ives Pond, for baseball purposes; and
WHEREAS, the City is willing to accommodate TONAWANDA AMERICAN LITTLE LEAGUE, INC.'s request.
NOW THEREFORE BE IT RESOLVED, that the Common Council authorizes and directs the Mayor to execute a proposed agreement authorizing TONAWANDA AMERICAN LITTLE LEAGUE, INC. to use the "Senior Baseball Field" located at 111 State Street, Tonawanda. Copy of which is on file with the City Clerk.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

109. By the Council seconded by the Council
WHEREAS, the Common Council of the City and the Board of Directors of the CANAL FEST OF THE TONAWANDAS, INC. (hereinafter referred to as "the Corporation") are desirous of entering into an agreement for the purpose of accommodating Canal Fest 2017; and

WHEREAS, the parties have negotiated the following agreement so that the concerns of the City and the Corporation have been addressed; and

WHEREAS, the utilization of city property, personnel and equipment as specified in said Agreement is deemed to be for the promotion of Canal Fest 2017 and the protection of public health, safety and welfare which is in the best interests of the City and its residents;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council hereby authorizes and directs the Mayor to execute the Canal Fest 2017 agreement, and

BE IT FURTHER RESOLVED, that the parties hereto approve and enter into the following Agreement:

AGREEMENT

1. The City and Corporation in conjunction with the City of North Tonawanda, shall support Canal Fest 2017 of the Twin Cities.
2. Canal Fest 2017 shall be held July 16, 2017 through July 23, 2017. The daily operations of the festival, including rides, amusements, concessions and/or events of any sort on the Tonawanda side shall conclude by 10:00 P.M. or as soon thereafter as may be reasonably accomplished.
3. The Canal Fest 2017 "Campus Area" will utilize Niagara Street between Main and Seymour Streets and that portion of Young Street which lies between Main Street and Delaware Street, which leads into the Walgreen's parking lot. The parking lot adjacent to McDonalds is not included in the Campus Area. The ride promoter, Powers Great American Midways, Inc. will be permitted to place two trailers in the parking lot adjacent to the Tonawanda Towers. In the event that construction is occurring within the City of Tonawanda during the time Canal Fest is taking place, the City may, in its sole discretion, modify the "Campus Area" so that the Festival does not interfere with on-going construction or other related development activities.
4. The Renaissance Bridge shall be closed during Canal Fest to permit its use by various concessions without the need to remove their set-ups at the conclusion of each evening. The parade route shall begin at Grove and Minerva and shall utilize Minerva from Main to Grove, Grove from Minerva to Roosevelt and Roosevelt from Grove to Main Street as a staging area. The parade shall proceed to and cross the Renaissance Bridge. The concessions shall be required to be removed only during that Tuesday night, July 18, 2017.
5. Portions of Minerva, Grove, Roosevelt and Main Street shall be closed for the Canal Fest Parade on Tuesday, July 18, 2017 as stated in paragraph 4 above.
6. The Corporation will be permitted to use Main Street, from Niagara Street to Broad Street and a portion of Adam Street running from Main Street to Seymour Street for the Craft Show on July 22 and July 23, 2017.
7. The Corporation will be permitted to use Main Street from Niagara Street to Broad Street for the Cruise Nite Car Show on July 19, 2017.
8. The Corporation will be permitted to use Main Street from Niagara Street to Broad Street for the Antique Fire Truck Show on July 16, 2017. The City agrees to close this Street by 4:00 P.M. to accommodate set-up and staging of the vehicles.
9. The Corporation will be permitted to use the Miller Bandshell in Niawanda Park for various music and other performances. For the convenience of the musicians, the Community Room on the lower level of City Hall will be available, if a request is made, for the musicians to gather and have a place to store instrument cases and their personal belongings during the concert.
10. The corporation will be permitted to use Clinton Park for the Flea Market on July 22 and 23, 2017.
11. The Canal Fest 2017 "Campus Area" has been designated on the Canal Fest map. No additional permits will be granted for vendors, performances or advertising posters within said "Campus Area" unless mutually agreed by the parties. This section shall not be applicable to official City of Tonawanda government entities and/or official City sponsored events. Said "Campus Area" shall be subject to the private property rights of landowners and tenants. The parties agree to respect any and all private property rights.

12. The City reserves the absolute right to approve the nature, type and location of all rides, amusements and concessions for purposes of public health and safety. Such approval will be memorialized by noting same on the Canal Fest map on file in the office of the City Clerk.

Furthermore, the City, together with the Police Chief and/or Fire Chief, may interrupt and/or close down the festival for purposes of health and/or safety.

13. The Corporation shall be entitled to utilize the footbridge leading to the Long Homestead at its discretion. Any docks located on the canal and Ellicott Creek are to be excluded from the "Campus Area" and remain under the jurisdiction of the City. Any and all use of docking area shall be solely within the discretion of the City. All rules and regulations regarding dock usage shall apply.

14. The Corporation shall reimburse the City in a sum not to exceed \$17,000.00 for the year 2017, in order to offset the additional reasonable expenses incurred by the City to provide City services to Canal Fest 2017. Said services shall include, but are not limited to, police and emergency services. Reimbursement shall be paid no later than September 15, 2017. The City Treasurer shall present a statement of services to the Corporation on or before September 8, 2017. Should said statement of services be less than the \$17,000.00 for the year 2017, the City shall rebate the difference. Should the statement of services reflect the City's expenses are greater than the said \$17,000.00 for the year 2017, the City will absorb the difference.

15. The Corporation shall reimburse the City up to \$3,000.00 (However, the City shall have the option at its sole discretion to receive the \$3,000.00 any time during the term of the Agreement.) for the City's purchase, at its sole discretion, of any tangible items or articles, or for any items of capital improvement; with the understanding that these funds shall benefit the City of Tonawanda's Canal area and/or Riveredge area and/or Riverwalk area and/or Waterfront area and/or Gateway Park area. These funds may be used by the City at its sole discretion as above stated, however, these funds are not to be used for City operation or personnel costs. Reimbursement shall be paid by the Corporation to the City within thirty days of presentation of a receipt for qualified purchases and/or expenditures. The Corporation shall receive proper recognition for such items or expenditures which benefit the City.

16. Proof of liability insurance approved for the Corporation, naming the City as an additional insured, with aggregate policy limit of \$3,000,000.00 for personal injuries and property damage shall be provided to the City Clerk on or before July 8, 2017. The Corporation shall indemnify and hold the City harmless from any and all claims or causes of action which are the direct result of any negligent act or omission or intentional misconduct by agents of the Corporation with respect to Canal Fest 2017. The City agrees to indemnify and hold the Corporation harmless from any and all claims or causes of action which are the direct result of any negligent act or omission or intentional misconduct by agents of the City with respect to Canal Fest 2017. The Corporation shall require the amusement and concession operator, Powers Great American Midways, Inc., to provide and submit a certificate of insurance and proof of premium payment acceptable to the City, which certificate shall name the City as an additional insured. The Corporation shall further require said Powers Great American Midways, Inc., to enter into an agreement holding the City harmless and indemnify the City from any and all claims and causes of action which might be commenced against the City as a result of the negligence or omission or intentional misconduct by an agent of Powers Great American Midways, Inc. with respect to Canal Fest 2017.

17. The Corporation shall be solely responsible for and shall provide adequate public restroom facilities for the event.

18. The Corporation shall provide the City with complete copies of all contracts and amendments between it and Powers Great American Midways, Inc., and any other amusement company that may be under contract regarding Canal Fest 2017.

19. Any damage caused to City property as a result of the rides, attractions and/or activities shall be repaired by the City; however, the cost of said repairs shall be

borne exclusively by the Canal Fest Corporation pursuant to an agreed upon fee schedule and/or reimbursement procedure to be determined by the parties. The cost of repairs shall be paid to the City by the Corporation in addition to the reimbursement pursuant to the reimbursement pursuant to paragraphs 15 and 16.

20. Only those entities located within the ðCampus Areaö are to contribute monies to the Corporation. However, nothing hereunder shall restrict the Corporation from being able to pursue sponsorships or preclude it from protecting against the unauthorized use of its name and logo.

21. The Corporation shall meet with the Council on August 1, 2017 or such other date as the parties may mutually agree to discuss the results of the 2017 festival, including but not limited to financial data, logistics and to further discuss future events.

22. The Corporation shall take every reasonable effort to accommodate the needs of the adjacent businesses.

WHEREAS, the City of Tonawanda must strive to minimize any and all unnecessary financial burdens on its taxpayers; and

WHEREAS, the City of Tonawanda's utmost concern must be for the safety and welfare of its residents and business people; and

WHEREAS, the City of Tonawanda has for thirty-three years substantially supported Canal Fest, Inc. and has facilitated and housed events for those thirty-three years; and

WHEREAS, the City of Tonawanda recognizes the monumental task the Canal Fest Corporation has in preparing for this event, now, therefore, be it

RESOLVED, that the City of Tonawanda agrees to produce a detailed accounting of all expenses incurred in 2017 and to continue negotiations for Canal Fest 2017 and thereafter, based on the above stipulations on the earliest practicable date, so that an agreement can be finalized early in 2017.

**ADDENDUM to 2017 CANAL FEST AGREEMENT –
LAUNCH OF FIREWORKS FROM THE RENAISSANCE BRIDGE**

Fireworks shall be launched from the Renaissance Bridge on the final night of Canal Fest (July 23, 2017) in accordance with the following terms and conditions:

1. The Bridge shall be closed to pedestrian traffic at 8:00 P.M. or earlier when Young Company arrives.
2. The Canal shall be boat free from the Delaware Bridge to the Seymour Bridge and Tonawanda Creek from the end of dock to the Canal.
3. Canal Fest personnel shall clear all boats in violation of the Safe Zone by 7:00 P.M.
4. Crowd control is to be determined by Police Chief Strassburg or his designee.
5. Rides and concessions cannot be in the process of tear down from 7:00 P.M. until the crowd has departed.
6. Pedestrians, crafters, rides and concessions shall not be located within the fallout area. The Fallout area can change due to wind direction and speed.
7. Fire Suppression Crew accessibility - Fire Suppression Crew shall be able to reach all areas exposed to potential fallout including Niagara Street from Seymour to Main and Young Street from Main to Delaware.

8. There shall be room for a fire truck in front of HSBC on Young Street. Also there shall be room to ladder HSBC on Young Street.
9. All hydrants in the Canal Fest area are to be disconnected.
10. Sufficient Emergency Personnel are required: 1 Pumper manned with four personnel and 1 EMS Crew manned with two personnel.
11. Canal Fest Committee personnel will be on hand at the Bridge for consultation with the Fire and Police Departments.
12. Crafter tents are to be cleared out by 6:00 P.M.
13. Sidewalks shall be kept free of any items during the Arts and Craft Show. Vendors participating in the Craft Show must leave at least three feet clearance from store fronts.
14. During the Car Show and the Antique Fire Truck Show, hydrants shall have fifteen feet of access on either side.
15. Police, Fire, Young Explosive Corporation or any Authority has the right to stop, delay or cancel the fireworks for safety issues.

Councilmember Gilbert- Madam President I would just like to thank Canal Fest. The leadership that is in place right now has been more forthcoming and more agreeable to work with than in past years. I really want to applaud those guys for their effort to come in and really work within the group and work with the council and listening to our concerns over the last two contracts. Thank you.

Councilmember Smilinich- I agree with Mr. Gilbert.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

110. By the Council seconded by the Council
 WHEREAS, the Common Council of the CITY OF TONAWANDA, the Board of Directors of the CAROUSEL SOCIETY OF THE NIAGARA FRONTIER, INC. (hereinafter referred to as "CSNF") and POWERS GREAT AMERICAN MIDWAYS, INC. (hereinafter referred to as "PGAM"), are desirous of entering into an agreement for the purpose of accommodating Canal Fest 2017;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council hereby authorizes and directs the Mayor to execute this Agreement, and

BE IT FURTHER RESOLVED, that the parties hereto approve and enter into the following Agreement to be signed by Mayor Rick Davis, Charles Proefrock, Secretary of the Carousel Society of the Niagara Frontier, Inc and Les Powers, President, Powers Great American Midways, Inc.

AGREEMENT

The CSNF and PGAM shall provide the City with a supplemental payment to reimburse the City for the cost of City services in support of Canal Fest of the Tonawandas 2017 in the amount of \$3,000.00, to be paid no later than August 4, 2017.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

111. By Council President Koch seconded by Councilmember Smilinich
Resolved, that in recognition and compliance with the New York State Open Meetings law, this Common Council will meet in Executive Session in the Common Council Chambers for the purpose of pending exempt City business, and further be it
Resolved, that upon conclusion of the above stated business matters; the meeting shall again be open to the general public. The reason for the Executive Session is to discuss personnel.

Councilmember Gilbert- Madam President could you please state that we also are doing a second executive.

Council President Koch- We went into executive at 6:10 P.M. to discuss contract negotiations and legal.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

COMMENTS BY THE PUBLIC AFTER RESOLUTIONS

Daniel Grosskopf, 120 Highland Avenue- This is a follow-up to a foil request that I had filed and was honored regarding legal matters in the City of Tonawanda and any agreements with outside legal counsel. Part of my foil request revealed that there is a legal action that is commenced by Police Officer David Ray naming the city, Mayor Davis and Chief Strassburg which I assume to be defendants in this action. I don't know if it is a lawsuit. It's been heavily redacted.

Council President Koch- Mr. Trabucco can you come up. I just want to bring our City Attorney up. Now did we establish that the microphone is on? Yes the microphone is on.

Daniel Grosskopf- My question was in a foil request which I requested information regarding outside legal matters and retainer agreements with outside legal counsel, part of that foil response revealed that legal action commenced by Police Officer David Ray who is a police officer for my other foil request in the Civil Service Commission, it referenced an action naming the City, Mayor Davis and Chief Strassburg, the case number which is listed for the Western District of New York was then heavily redacted. I have no further details regarding what this action is, if it's a lawsuit, if it's ongoing, if it's been settled. The date of the agreement was March 14th, 2017. I'm looking for further comment on that.

City Attorney Ronald Trabucco ó I'm not quite sure what information was redacted, I don't have that information in hand. It was redacted because it is confidential. It is not to be disclosed to the general public and it is as simple as that. That's the answer.

Daniel Grosskopf ó Okay, thank you.

Jim Barber, 78 Fuller Avenue ó Seven months ago we began the process of negotiations with the City for a successor contract. Over that time we had many productive discussions with the Mayor and his committee that lead to a successful good faith agreement that you guys voted on tonight. This agreement was reached with good faith bargaining and provided some protection for firefighters that's been misrepresented this evening. While providing that protection this agreement was also responsible for the City and ideas that would produce revenue which the council requested to be removed in the formal agreement. Over the past twenty years the membership of Local 859 has been instrumental in finding ways to help the City provide the services that the citizens have come to expect at a responsible cost while finding funding outside of City coffers. The members of Local 859 have been successful securing over one million dollars in federal funding for training, equipment and apparatus saving the taxpayers well over the million dollars that we got. In addition to that, the members of Local 859 were instrumental in getting healthcare changes several times throughout our history. This contract asked for one thing from the City and it was the responsibility to come to us in times of financial need and let us be part of the solution instead of posing problems on us that put our citizens and firefighters at risk. The decline in volunteers across the station are something

we are not exempt from and the cost to our Fire Department. A long time go we had thirty- five members and now we are down to twenty-four. We are at a point where if cuts continue to be made you guys are going to bury someone. Thank you for voting to approve this contract and providing us with some protection for the next couple years.

COMMENTS BY THE COUNCILMEMBERS AFTER RESOLUTIONS

Councilmember Gilbert- I just want to reach and thank Officer Balling. He was instrumental with helping with some issues that arose. I just want to reach out and thank him. He was a huge help. People don't realize that there's an opportunity to reach your kids at a certain level and I would say take that chance as soon as you can and get involved as soon as you can. Be as much involved as you possibly can. Because you never know how quickly it can turn. So, with that, a lot of times people think that weed is not a big deal. That different things aren't a big deal. What I am finding more and more is that it's just a gateway drug. It leads to a lot of other things. The fireman and police can all attest to this. So please, get involved with kids. Be a good parent. Don't always be the good guy or good girl. Always find out what your kids are doing and be prepared and vigilant.

Councilmember Rautenstrauch- I just want to reiterate one of the resolutions #9 was for the Cystic Fibrosis Walk. I have been a part of this for six years. It's something that is near and dear to me. I would encourage people to be involved with it if you can. We all have different charities we like to be a part of and if you can find a way to help this out for local families. It affects a large number statistically a higher number of people in the City of Tonawanda. The Cystic Fibrosis Foundation has done a lot in the past six years to make improvements to treatments and medications. Over the past ten years double the lifespan of people affected with this. If affects somebody close to me and dear to me. I appreciate help with that. On a lighter note, I do want to mention Virginia Street. I had an opportunity to help out our tree guys, Jim and Brian get some of our trees in on Virginia Street. I'm appreciative of our Parks Department. A couple of the residents of my ward asking me when that was going to be done because it has been many years. It looks great and thank the Mayor for making that happen.

Councilmember Toth- I would just like everyone to keep Father Mike at St. Francis in their thoughts and prayers. Father Mike under went some pretty serious surgery and I understand he is at least doing well right now.

Councilmember Gilbert- He is out of I.C.U.

Councilmember Toth- That's good. I know Father Mike has been instrumental in a lot of things that we do in this community as well as with the council and I just hope that everyone keeps him in their thoughts. Thank you Madam President.

Councilmember Smilinich- I'm going to turn my comment over to Charlie Rech and have him talk about the Main Street Program and what we have going on in the next week. I know, surprise.

Charlie Rech, Administrative Assistant- The Main Street program that the City established really got started about four or five months ago. The intent of the Main Street program is the economic, historic and revitalization of the downtown area which covers not just Main Street but the whole area between Seymour Street going down Niagara Street to Main Street then down Young Street to Delaware Street then Delaware Street over to Morgan Street then Morgan Street back up to Seymour Street. The Mayor established the original board which has now taken over. The City is basically out of it. The program is set-up for sub-committees; one economic development, one planning and one historic preservation and beautification. They have begun to meet. The intent is to come up with programs and plans for the downtown area that fit and kind of coincide and interact with the Comp Plan that we're doing the Local Waterfront Revitalization Plan. I think the biggest thing about the Main Street Program is the intent is once this grant is completed that they will be continuing on by themselves. It's their responsibility to find the funding they will need either through grants or through sponsorships or through monies from various foundations to keep it going. The biggest thing they provide, one thing we have lacked for quite awhile is that we really had no go to organization for downtown for its development. We now have that. The program director for the Main

Street Program has interacted and contacted a lot of the merchants downtown. We're finding more interaction from the merchants downtown through this group than I have seen in the three and half years or so that I have been here. We will also have an organization that will enable projects that are identified and programs that are identified to be implemented. That's their responsibility. They are going to be here. They are independent. It is an a-political organization. In the future looking at the possibility as this evolves that it may expand even beyond the downtown area and look more broadly across the City. One possibility is for them to become similar to what North Tonawanda has which is the Lumber City Development Corporation which is a huge success in North Tonawanda. They do tons of development work through their leadership. One thing we were looking for here is that this the Main Street Program can evolve into the equivalent of a community development corporation for the City of Tonawanda. They haven't had a lot of ongoing events because they are in the organizational stage and initial planning stage. There are a few programs that they do have coming up on August 5 for example. The Main Street Program in conjunction with the City looking at the possibility now of having what right now is being called "The Downtown Day" for the City of Tonawanda. One of the key items there will be the grand opening or inauguration of the Intermodal Hub area. In addition to that, the theme for "The Downtown Day" looks like it is going to be focused toward recreation and health. The Main Street Program is now contacting a lot of different organizations and event people to see what kind of program we can pull together for the whole day with really good activity with a focus on recreation and health and wellness in the downtown area.

Councilmember Smilinich- The reason that I asked Mr. Rech to talk about this is because the sub-committees; the Economic Development, Planning, the Historical Preservation, and the others are always welcoming people. I keep hearing we don't know. We can't do anything. We don't have any say. These committees meet for maybe an hour once or twice a month. They meet above the Senior Citizens Center. So anybody that is interested in doing anything to better the community please come and help us. We are always looking for someone.

Mayor Rick Davis- Today I was joined with Mayor Pappas to announce Meals on Wheels Month in our two cities. They deliver approximately 700 meals every single month between our two communities and I know a lot of the seniors rely on this substance. Also it's their only contact with a human person for that day. I appreciate the efforts of the Twin Cities Meals on Wheels. Also, green is Mental Health Awareness Month. City Hall will be lit up for the month to raise awareness. There is still a certain stigma attached to this disease and I think it's a disease that is pretty much touched almost every family. I hope by raising awareness that more people will come forward, especially our younger generation and seek the treatment that they deserve. I would like to thank Lt. Governor Kathy Hochul for helping kick-off the Small Business Festival at the Tonawanda Castle yesterday. On May 17, from 9:00A.M. -11:00 A.M. in the small community room the Chamber of Commerce and I will be sponsoring a small business seminar. We will have representatives there from the Small Business Development Center of Buffalo Niagara Score, small business administration as well as info from Empire State Development. So if you know anybody who is starting a business, looking to expand a business, looking to help with bookkeeping, stuff like that please tell them to attend. On May 10, there will be an Educational Happy Hour from 5:30P.M.- 7:30 P.M. at the American Legion. Students from Buffalo State Geography and Planning will be presenting their ideas and their course work for the partnership that we have entered in with them as far as the Comp Plan and the Distressed Property Task Force goes. Those projects include the Comp Plan, the Main Street Market Analysis, code enforcement and vacant property registry and historic preservation. The City will be receiving an award from the Western New York American Planning Association for the amount of public outreach that was accomplished during the LWRP process. If you remember we had waterbikes and canoes on the creek, and took a boat tour of the canal. There were numerous excursions to Two Mile Creek and the Niagara River along with Art on the Riverwalk and Canal Fest. We are being applauded for the amount of public outreach that we did during that process. I thank the Western New York American Planning Association for recognizing that. This weekend I attended the benefit for Scott Greenawalt. Scott graduated a year ahead of me. There are some people in this room that helped with that event. It was heartwarming to see the outpouring of support from our community for one of our own. Thank you to everybody who showed up for Canal Clean Sweep. We had residents from even outside of the City and Canada that showed up to help out with that event. Narcan training and prayer

service is on May 10, from 6:00 P.M. to 8:00P.M. at First Presbyterian Church. Please stop on out. Lastly, it's been a pleasure working with the Fire Department Executive Committee over the last seven or eight months and you guys were professional and hope we, myself as the Mayor's office and the committee that represented us professional as well. Thank you Madam President.

Council President Koch- I want to thank everybody who came for our Warrior Walk on Wednesday. It was a wonderful turnout. Thank you to Skip Johnson from the Historical Society for doing two tours. I wanted to thank everybody who donated to the local food pantry. We will see you on Wednesday as we will be walking the Rails to Trails. I wanted to thank the Newman family and the Boys and Girls Club for putting together a wonderful awards ceremony last week. Kevin Hardwick, Erie County Legislator for coming out and presenting Dr. Newton with a proclamation. I wanted to also thank the Parks and Rec Department for putting together a wonderful event, "Wine on the Water" and I'm looking forward to our third year there. I wanted to wish all the mothers out there a special Mother's Day and thank you for all that you do day in and day out. May is also Brain Cancer Awareness Month so please keep in your thoughts and prayers those who are battling this cancer. And last but not least, our City Engineer, Jason LaMonaco had asked that I state that the draft 2016-2017 Annual Stormwater Report is available for public review. It can be found on the city website as well as in the office of the City Engineer.

Councilmember Smilinich- I would like to wish the Gilberts a Happy 25th Wedding Anniversary on Friday.

Council President Koch- Happy Anniversary! And with that said we will be going into Executive Session then we will have our doors open.

ADJOURNMENT

112. By the Council seconded by the Council
Resolved, that this Common Council adjourn until May 16, 2017

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

Resolution declared adopted

City Clerk

Mayor

Date Filed