

A Regular Meeting of the Common Council

Present: Council President Koch

Present Councilmembers: Gilbert, Smilinich, Rautenstrauch, Toth

Pledge of Allegiance Prayer led by Associate Fire Chaplin Bill Miles

A Moment of Silence in remembrance of James Penberthy was observed.

**Arbor Day Proclamation by Mayor Rick Davis**

**Whereas**, in 1872 Jay Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and,

**Whereas**, The holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

**Whereas**, Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

**Whereas**, Arbor Day is now observed throughout the nations and the world; and,

**Whereas**, Trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

**Whereas**, Trees in our City increase property value, enhance the economic vitality of business areas, and beautify our community; and

**Whereas**, Trees are a source of joy and spiritual renewal wherever they are planted

**Now, Therefore be it resolved**, that I, Rick Davis, Mayor of the City of Tonawanda, do hereby proclaim Tuesday, May 17, 2016 as: **Arbor Day**

**Arbor Day Presentation to Winners of Coloring Contest by Amanda Lofft**

Kindergarten winner- Benjamin Vara

First grade winner- Eliana LaMonaco

2<sup>nd</sup> grade winner- Corrina Bentley

3<sup>rd</sup> grade winner- Brianna Price

4<sup>th</sup> grade winner- Lauren Kisloski

5<sup>th</sup> grade winner- Madison Warthling

**Public Hearing**

**Public Hearing to discuss the Draft Annual MS4 Stormwater Report**

City Engineer Jason LaMonaco- Each year the City of Tonawanda and other municipalities with separate storm sewer systems are required to announce the availability of our annual report for public view. The draft report can be accessed online or it is also available in our Engineering Department. The annual report tracks our progress and catalogs the action that has been taken over the last year to comply with the EPA storm water regulations. In order to get into what it is and why we have this program, we need to take a step back with a couple definitions. The first one being is what is stormwater? Stormwater is either drain water or snow melt that isn't absorbed by the land and runs off without an outlet. We broke down the two different main sources. There is drain water which are Impervious surfaces in which 100% of the rainwater runs off and becomes stormwater. That would be areas like a roof, a driveway, streets, parking lots. There are also Pervious surfaces. Where a portion of the rainwater is absorbed by the ground. That would be like front lawns, parks, any natural areas. The immediate question that comes to people's minds is why is that a problem? The main issue that we have with the stormwater is it carries quite a bit of pollutants. As the stormwater runs off over the streets and parking lots and lawns it picks up oils and greases, road salt, litter, animal waste, pesticides, herbicides and the question is what happens to this pollutant in the water? In some communities they have what is called a combined system. There is one pipe that takes all the stormwater as well as the sanitary waste from the houses and combines them to one pipe that goes to the wastewater plant where it is treated and then discharged to the rivers, streams, or the lake. In our case and in a lot of communities we

have what is called a separate sewer system. That means there are actually two pipes in the ground; one is dedicated solely for sanitary sewage. It takes sanitary waste to the waste water plant where it is treated and discharged. The other pipe takes the storm water runoff. In that case, the stormwater runoff which goes into our catch basins, our inlets you see on the streets, into the storm sewer and discharged directly to a nearby water body without any kind of treatment. Because of that issue, EPA created the Phase II Stormwater regulations for municipalities with separate storm systems. Stormwater rule requires operators of separate stormwater collection systems to implement a stormwater management program to address 6 minimum control measures. The first of which is Public Education and Outreach. This program is generally designed to inform the public to the fact that there is no treatment conducive to storm drains. The idea is that we had out these flyers and and somebody kind of clicks. Maybe they finished changing the oil on your car and you have a little bit of oil left, your waste oil. You just don't take it and dump it down your drain. It goes directly into the nearby water body. Or if you painted your house and you've got a sixth of a gallon left, treat the way you're supposed, use kitty litter and have solid waste you don't dump it down the storm drain. It will go directly into a nearby stream. Public Education Involvement; we generally accomplish this through with cleaning events where we go around and pick up litter on a certain day. We also have open stormwater and a regular basis. Illicit Discharge Detection & Elimination; the City has to do a 5-year outfall inspection program. We have over 100 outfalls in the City. Each year we start with about 20 outfalls. What we are looking for, we do it during the dry conditions. So if you got like, you need 48 hours or try to do more than that when we're out there doing inspections in mid August. We do a stormwater outfall and that's an outfall is a kind of a pipe right there that goes into the sewer waterline. If there is water gushing out, we know there is a problem. It could be a water main break or whatever. We have to track down that problem and fix it. The other things we look for would be if you are on a stream bend, it's green and it has a lot of plants along it and it comes down by the outfall, near the outfall and there is no vegetation, chances are there's something in the stormwater that shouldn't be there. So we have to track down where that source is to get rid of it. The Post-Construction Site Runoff Control program and that falls for any construction sites an acre or more. Any site like that has to have a stormwater pollution inspection control plan in place before construction starts and it also requires site inspections throughout the project. Post Construction Site Runoff Control means that things that get installed after the property is done like Spaulding. We have a soil concentrator; essentially it's takes anything in the basin and sucks it out. Proper maintenance through the City DPW will clean that out. Pollution Prevention and Good Housekeeping for Municipal Operations is the last one. That is where we look at how we operate as a city. We make sure that we aren't part of the problems. So for example, salt storage areas; we want to make sure that it's covered so we don't have water mixed in with the salt that washes into the creek, or where we have oil or chemicals stored. We want to make sure we store it in a separate area and that it's not near any unprotected storm drains. To that end, we have been working with the Western New York Stormwater Coalition. It's a coalition of 42 communities in Western New York when these rules came out we all decided to work together lead by Erie County but it also involves quite a few communities in Niagara County. It's kind of pooling our resources to address the stormwater regulations. Detailed information on the work we did this past year is included in the Annual Stormwater Report which again is available online and in my office.

### **COMMUNICATIONS FROM THE MAYOR**

Invitation from Mayor Rick Davis to attend the unveiling of historical signs through the Niagara River/Erie Canal Signage Enhancement Project on Wednesday, May 11, 2016, 11 AM at Niawanda Park Pavilion

Copy of letter from Stacy Monaco to Mayor Davis regarding issue with a Pavilion Rental

Copy of City of Tonawanda's Transportation and Escort Services Contract with Erie County Department of Senior Services

### **COMMUNICATIONS FROM CITY OFFICIALS AND CORRESPONDENCE**

The following monthly reports were received by the City Clerk:

April Minutes of the Board of Appeals  
April Report of the Fire Department  
Public Hearing Notice from the Board of Appeals May 23, 2016 at 6:30 PM for Variance Requests for the following addresses:

- 527 Fletcher ó Erect 6 foot high fence in rear yard
- 249 Kohler ó 36 inch to 42 inch high swooping vinyl fence in front yard 18 inches from sidewalk
- 56 Amsterdam ó Erect 6 foot high vinyl fence in side yard

Certificates of Attendance of Board of Assessment Review Training for William J Reece and Nancy M Snyder from Joseph L Maciejewski, Erie County Real Property Director

Comprehensive Revenue & Expenditure Control Report as of 5/17/2016 from City Treasurer Joseph Hogenkamp

Referred to the Committee of the Whole  
Ordered filed

### **COMMENTS BY THE PUBLIC ON RESOLUTIONS**

No comments from the Public on the resolutions.

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**

130. By Councilmember Toth seconded by Councilmember Gilbert  
Resolved, that the Common Council minutes from May 3, 2016, be accepted as filed.

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

Resolution declared adopted

131. By Councilmember Rautenstrauch seconded by Councilmember Toth  
Resolved, that the bills be allowed as audited and that the City Clerk be directed to draw warrants on the Treasurer for the various amounts.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

132. By Councilmember Toth seconded by Councilmember Gilbert  
Resolved, that the readings of Resolutions # 3-#10 be waived

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

133. By Councilmember Gilbert seconded by Councilmember Smilinich  
Resolved, that the Annual Fireman's Day Parade be approved to be held on Saturday, June 18, 2016 at 2:00 PM and be it further

Resolved, that the parade starts at William and Fletcher Streets in Tonawanda and disbands at Main and Goundry Streets in North Tonawanda with the Companies marching back to Tonawanda on Main Street through North Tonawanda into Tonawanda onto Delaware Street and back to their respective Companies

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

134. By Councilmember Smilinich seconded by Councilmember Gilbert

Whereas, Special Event applications for an Old Fashioned Street Dance on June 11, 2016 and for Gateway Market Thursdays were approved on April 19, 2016 and whereas the resolution stated that the Tonawanda's Gateway Harbor was responsible for any overtime incurred during the events, and

Whereas, as a City Organization no overtime expenses are incurred or charged, now

Therefore, be it resolved that the section of the resolution requiring reimbursement for overtime costs be rescinded.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

135. By Councilmember Gilbert seconded by Councilmember Toth

Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk for The THS Volleyball Car Wash, 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 the Captain Fred Foels and the City Hall Custodian, and the event chairperson, now, therefore be it

Resolved, that permission be granted to Tonawanda High School Athletics to conduct a car wash in the parking lot of City Hall, on August 27, 2016 from 10:00 A.M. till 3:00 P.M., 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 15, 2016.

Ayes: Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Nays: None

Resolution declared adopted

136. By Councilmember Toth seconded by Councilmember Rautenstrauch

Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk for The Inner Harbor Yacht Club Blessing of the Boats, 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



Nays: None

Resolution declared adopted

### **COMMENTS BY THE PUBLIC AFTER RESOLUTIONS**

Dennis Smilinch, 240 Grove Street- I am Chairman of the Helicopter Monument and I came today just to give you a short briefing. The plans are in. They should be in to the City Engineer in the next couple of days. We presently now have a major contractors in place; Brady Electric, not sure for the stone and heavy equipment, Labella Associates for engineering, Frank Budwey and (inaudible) General Contractors, Home Depot Landscaping, concrete; LaFarge and I could keep going on. We are doing pretty well. Our starting date for (inaudible) is June 22. Our finish date will be hopefully again August 26. We will have a reception hopefully on August 25, hopefully at the American Legion if everything is done. We're now looking at specific fundraisers. The next one we have coming up is June 18. It's "Fill the Helmet". We will be at the intersections of Broad and Main Streets and Kohler and Niagara Streets. We will be out there with our army helmets. We will hopefully be receiving donations from the public. The bricks, I brought some applications with me tonight. I want to make sure it is crystal clear anybody can buy a brick. There are two different color bricks; one is gray for our supporters, one is red for our veterans. We have some members up there, Mr. Gilbert who have purchased two bricks. I have applications if anyone would like one. We are probably going to be setting the brick deadline three weeks prior to it being finished. I have the applications here. The brick sale is going tremendously. We are approximately \$15,000 short at the present time. I guess that's money that we thought we were going to get as a grant and it fell through.

The next event that we have is the City Officials Outing which we are starting to plan with Mr. Saltarelli and Mrs. Syposs. You are very welcomed to get involved. Are there any questions? Thank-you very much.

Councilmember Gilbert- Mr. Smilinch, just real quick, the gray one is for supporters and the red one is for veterans?

Dennis Smilinch- Yes.

Councilmember Gilbert- Any Veteran, any War?

Dennis Smilinch- Yes, any War, any Veteran. Also, can be purchased as memorials.

Councilmember Gilbert- Do you need to show your DD-214?

Dennis Smilinch- No, you don't. We have ways to verify. We have a source that will bring any veteran up in the country.

Carol Sue Rowlings, 181 Utica Street ó This is regards to Community Services and the tree that was planted across the street from my house at 184 Utica Street. Which last Fall, after it was planted, in the early winter time the big van that pulls in that driveway most of the time people can't drive forward let alone backup, backed across the street. Which, I called the police because I heard the tree snap. This van doesn't really need to be pulling in and out of that driveway when they already have the handicap loading zone on Syracuse Street. One time I was told that the two people that get picked up they have special needs. Well, they all do. But the one guy who gets picked up on Syracuse Street he has a walker and pushes it like this and they have to hold on to him. He walks out there. Another woman gets taken out in a wheelchair. So, why couldn't this be done there? Thank-you.

### **COMMENTS BY THE COUNCILMEMBERS AFTER RESOLUTIONS**

Councilmember Toth ó I just want to congratulate the six winners of the Arbor Day coloring contest. It's nice to have the kids here tonight. I would also like to congratulate and welcome the five firefighters to City service. I'm sure they will do a great job.



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

Resolution declared adopted

---

City Clerk

---

Mayor

---

Date Filed