

Agenda
Council Chambers
Tonawanda, New York
October 17, 2017

A Regular Meeting of the Common Council

Present: Council President Koch

Present Councilmembers: Gilbert, Smilinich, Rautenstrauch, Toth

Pledge of Allegiance and Prayer led by Associate Chaplain Dorthea Schweitzer

PRESENTATION

Presentations of checks reflecting the proceeds of the Tonawanda City Officials Outing to Saint Francis Food Pantry, Tonawanda Domestic Violence Advocate and Grove Street Christian Church Warmth for Hungry Hearts.

Commendation Awards by Chief Chuck Stuart

COMMUNICATIONS FROM THE MAYOR

Executed contract with Erie County Senior Services for Transportation Services for Senior Citizens

Communication from National Grid to Mayor Davis indicating a \$43,544.84 refund due to City for Street Lighting overcharges resulting from an audit done by Troy and Banks.

Communication from Mayor Davis regarding consolidation of Playground Attendants to Mullen and Riverview

Signed Local Emergency Management Mutual Aid Assistance Memorandum of Understanding

COMMUNICATIONS FROM CITY OFFICIALS AND CORRESPONDENCE

Petition to Re Zone 661 Main Street to C-M from James Fluker, 25 Oakridge Rd. Grand Island, NY, Referred to the Planning Board

2017 Overtime Year to Date report from the City Treasurer

September minutes of the Plumbing Board

Resolution by the Tonawanda Civil Service Commission to Amend Municipal Civil Service Rules

Civil Service Minutes for July, August and September.

Communication from Hon. Mark E. Saltarelli requesting addition space usage in City Hall.

Communication from Sean Hopkins of Hopkins Sorgi and Romanowski PLLC requesting certified copy of resolution issuing a negative declaration approved by the Common Council on October 3, 2017

September Monthly Report from the Fire Department

Referred to the Committee of the Whole
Ordered filed

COMMENTS BY THE PUBLIC ON 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

1. By Councilmember _____ seconded by Councilmember _____

Resolved, that the Common Council minutes from October 3, 2017 be accepted as filed.

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

2. By Councilmember _____ seconded by Councilmember _____

Resolved, that the bills be allowed as audited and that the City Clerk draw warrants on the Treasurer for the various amounts.

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

3. By Councilmember seconded by Councilmember

Be it Resolved, that the City of Tonawanda has established Standard Work Days for Elected and Appointed Officials and will report the following days worked to the New York State and Local Employees Retirement System based on the record of activities maintained and submitted by the following officials to the clerk of this body:

Title	Name	Standard Work Day (hrs/day)	Term Begins/Ends	Participates in Employer Time Keeping System	Days/Month (based on Record of Activities)
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Elected Officials

Councilmember	Charles Gilbert	6	1/1/16-12/31/17	N	5.42
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Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

4. By Councilmember seconded by Councilmember

Resolved, Mayor Davis is hereby authorized and directed to enter into Agreement with the New York State Department of State for Docking Facilities Design and Construction NYSDOS Contract No. C1000973.

Funding/Fiscal Impact: 50% matching grant up to a maximum grant amount of \$487,380.00

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

5. By Councilmember seconded by Councilmember

Resolved, that the 2017 General Fund Budget be amended to account for NYS Division of Criminal Justice Services (DCJS) Grant Funds #LG14102306 awarded to purchase radios for Police Vehicles.

EXPENSE 001-3120-202	Police Dept Equipment	ADD \$15,625
REVENUE 001-0001-3390	Police Equipment Reimbursement	ADD \$15,625

NET BUDGET EFFECT **-\$0**

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

6. By Councilmember seconded by Councilmember

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. (2016 Award) Funds to be expended and received in Fiscal Year 2017.

EXPENSE 001-3120-202	Police Dept Equipment	ADD \$4,000
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REVENUE 001-0001-4003	Federal Operation Stonegarden	ADD \$4,000
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NET BUDGET EFFECT	-\$0
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Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

7. By Councilmember seconded by Councilmember

Resolved, that the Mayor be authorized and directed to sign the Settlement Agreement and Mutual Release agreements with National Grid pursuant to the Street Light Account Reconciliation and review conducted by Troy & Banks Utility and Telecommunication Consultants commissioned by the City of Tonawanda.

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

8. By Councilmember seconded by Councilmember

Whereas, a \$25.00 Special Events application fee and application were received by the City Clerk for the Pink Warriors Wellness Night ó Color Me Pink Run

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 chairperson, now, therefore be it

Resolved, that permission be granted for The Pink Warriors Color Me Pink Color Run to benefit the American Cancer Society on Thursday October 19, 2017 beginning at 5:30P.M. as per route submitted.

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

9. By Councilmember seconded by Councilmember

Resolved that the Mayor be authorized and directed to sign and submit applications for the projects noted below, and execute a contract with Erie County Community Development Block Grant (ECCDBG) program for the following projects upon approval of ECCDBG:

1. Sanitary Sewer Lining ó Wheeler
2. Sanitary Sewer Lining ó Evelyn, Wheeler and Gibson

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

10. By Councilmember Rautenstrauch seconded by Councilmember

LOCAL LAW NO. 2 FOR THE YEAR 2017

A Local Law to amend Section 110-184 of the Code of the City of Tonawanda entitled "Cold War Veterans Exemption".

BE IT RESOLVED by the Common Council for the City of Tonawanda that proposed Local Law No. 2 for the year 2017, entitled:

A Local Law to amend Section 110-184 of the Code of the
City of Tonawanda entitled "Cold War Veterans Exemption".

be and it is hereby introduced before the Common Council of the City of Tonawanda, New York; and

BE IT FURTHER RESOLVED, that copies of the aforesaid proposed Local Law be laid upon the desk of each member of the Common Council by the City Clerk in accordance with the NYS Municipal Home Rule Law, a copy of which is hereto attached and made a part hereof.

CITY OF TONAWANDA

LOCAL LAW NO. 2 FOR THE YEAR 2017

A Local Law providing for the "Cold War Veterans Exemption" pursuant to Section 458-b of the New York State Real Property Tax Law regarding General Municipal real property taxes for veterans who served during the Cold War Period.

BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF TONAWANDA AS FOLLOWS:

A Local Law to amend Section 110-184 of the Code of the City of Tonawanda entitled "Cold War Veterans Exemption" is hereby amended to read as follows:

1. Definitions:

(a) "Cold War veteran" means a person, male or female, who served on active duty for a period of more than three hundred sixty-five days in the United States armed forces, during the time period from September second, nineteen hundred forty-five to December twenty-sixth, nineteen hundred ninety-one, was discharged or released therefrom under honorable conditions and has been awarded the Cold War recognition certificate as authorized under Public Law 105-85, the 1998 National Defense Authorization Act.

(b) "Armed forces" means the United States army, navy, marine corps, air force, and coast guard.

(c) "Active duty" means full-time duty in the United States armed forces, other than active duty for training.

(d) "Service connected" means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty on active military, naval or air services.

(e) "Qualified owner" means a Cold War veteran, the spouse of a Cold War veteran, or the unremarried surviving spouse of a deceased Cold War veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Where a veteran is also the unremarried surviving spouse of a veteran, such person may also receive any exemption to which the deceased spouse was entitled.

(f) "Qualified residential real property" means property owned by a qualified owner which is used exclusively for residential purposes; provided, however, that in the event that any portion of such property is not used exclusively for residential purposes, but is used for other purposes, such portion shall be subject to taxation and only the remaining portion used exclusively for residential purposes shall be subject to the exemption provided by this section. Such property shall be the primary residence of the Cold War veteran or the unremarried surviving spouse of a Cold War Veteran; unless the Cold War veteran or unremarried surviving spouse is absent from the property due to medical reasons or institutionalization for up to five years.

(g) "Latest state equalization rate" means the latest final equalization rate established by the state board pursuant to article twelve of the New York State Real Property Tax Law.

2. Exemptions:

(a) Qualifying residential real property shall be exempt from taxation to the extent of fifteen percent of the assessed value of such property; provided however, that such exemption shall not exceed twelve thousand dollars or the product of twelve thousand dollars multiplied by the latest state equalization rate of the assessing unit.

(b) In addition to the exemption provided by paragraph (a) where the Cold War veteran received a compensation rating from the United States veterans affairs or from the United States department of defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold War veteran disability rating; provided however, that such exemption shall not exceed forty thousand dollars, or the product of forty thousand dollars multiplied by the latest state equalization rate for the assessing unit.

(c) Limitations:

- (i) The exemption from taxation provided by this Local law shall be applicable to county and city taxation, but shall not be applicable to taxes levied for school purposes.
- (ii) If a Cold War veteran receives the exemption under section four hundred fifty-eight or four hundred fifty-eight-a of this title, the Cold War veteran shall not be eligible to receive the exemption under this Local Law.
- (iii) Pursuant to §458-b(iii) of the New York State Real Property Tax Law ó this exemption shall apply to qualifying owners of qualifying real property for so long as they remain qualifying owners.

3. Effective Date:

This Local Law shall take effect immediately upon filing with the Secretary of State

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

11. By Councilmember seconded by Councilmember

Resolved that the Millstream Education Community Gardens be authorized to hold a Pumpkin Day on October 21, 2017 from 10 A.M. till 2 P.M. at the Millstream Gardens Park area.

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

12. By Councilmember seconded by Councilmember

WHEREAS, Local Law No. 1 for the year 2017 for the City of Tonawanda, entitled ðA Local Law authorizing the City of Tonawanda to impose a

property tax levy in excess of the limit established in New York State General Municipal law Article 2, Sec. 3-c

provides that:

It is the intent of this Local Law to allow the City of Tonawanda to adopt a budget for the fiscal year commencing January 1, 2018, that requires a real property tax levy in excess of the tax levy limit as set forth in General Municipal Law Article 2, Sec. 3-c.

This Local Law is adopted pursuant to subdivision 5 of the General Municipal Law Article 2, Sec. 3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a Local Law approved by a vote of sixty percent (60%) of said governing body.

The Common Council City of Tonawanda is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2018, that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law Article 2, Sec. 3-c.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, individual, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

This Local Law shall take effect immediately upon filing with the Secretary of State.

was enacted by a resolution of this body on September 25, 2017; and

WHEREAS, Mayor Rick Davis has held a public hearing concerning said legislation;

NOW, THEREFORE, BE IT RESOLVED, that should the Mayor approve said legislation as is required by law, the City Clerk is directed to notify New York Secretary of State of its enactment and approval.

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

13. By Councilmember _____ seconded by Councilmember _____

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

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays:

COMMENTS BY THE PUBLIC AFTER RESOLUTIONS

COMMENTS BY THE COUNCILMEMBERS AFTER RESOLUTIONS

ADJOURNMENT

14. By Councilmember _____ seconded by Councilmember _____
Resolved, that this Common Council adjourn until November 8, 2017.

Gilbert, Smilinich, Rautenstrauch, Toth, Koch

Ayes:

Nays: