



**COMMENTS BY THE PUBLIC ON RESOLUTIONS**

William Poole, 36 Murray Terrace – First I'd like to congratulate all of you on your terms of office and it's kind of nice to be on this side for a change, even though my tenure up there was very brief. All I have to say is that I'm glad to see on the agenda that you are continuing to accept or to have a resolution to accept the minutes as filed and thank you very much.

Elizabeth Olka, 65 Cleveland Avenue – There's some kids here tonight so because this is different, I just simply ask, it is relative to the agenda because it's a reorg, it's a little different, so I was hoping you could just explain to them what your role as a Council is. That's my first. Why don't I go to the second one right away and that's, oh I want to congratulate Mandy as long as this goes through and I wish her luck in her dual role. So again, the question in the hallway, you know you could explain better what your role is than I could do.

Council President Zeisz – For the students that are here, primarily we have a form of government with a strong Mayor, the Mayor runs the day to day operation of the City, supervises the Department Heads, basically runs all the departments through the Department Heads who individually run their own departments. The Council is here for, we're the checks and balances on the budget, we basically control the purse strings of the City. The Mayor would submit a budget to us, we approve that budget. Any changes that are made to the budget are made by the Common Council. Basically we control all the money that flows into the community. We also make all decisions regarding land, any land purchases, any land transactions, any building that's done on land or streets, we control anything legislative which would involve street signs and things of that nature. You want to throw something in Mr. Boyle? I'm just trying to wing it here.

Councilmember Boyle – I think what you said, is like you know the signs, we can close streets, we can figure out what streets get paved, what streets don't get paved and constituents call us if they have complaints about certain things and what we do is we try to help, like the middle man in between the Mayor and the constituents that nominated us.

Council President Zeisz - It just gives you a brief idea of what the Council would do on a regular basis.

**MOTIONS AND RESOLUTIONS**

1. By Councilmember Little seconded by Council President Zeisz  
Resolved, that the Common Council minutes from December 20, 2011, be accepted as filed.

Ayes: Little, Kossow, Zeisz  
Nays: Boyle

Resolution declared adopted

2. By Councilmember Kossow seconded by Councilmember Boyle  
Resolved, that all departments and department functions in existence as of December 31, 2011, as long as they are not inconsistent with the current Charter, are hereby ratified as provided in Article 3, Division 1, Section 3.005 of the City Charter.

Ayes: Little, Boyle, Kossow, Zeisz  
Nays: None

Resolution declared adopted

3. By Councilmember Boyle seconded by Council President Zeisz  
Resolved, that the reading of the following resolution, with the exception of #9  
under Order of Business, be waived.

Ayes: Little, Boyle, Kossow, Zeisz  
Nays: None

Resolution declared adopted

3. By Council President Zeisz seconded by Councilmember Little  
Resolved, that the Rules and Orders for the Government and Procedures of the  
Common Council of the City of Tonawanda for the years 2012-2013 are hereby adopted.

RULES AND ORDERS FOR THE GOVERNMENT AND PROCEDURES  
OF THE COMMON COUNCIL OF THE CITY OF TONAWANDA  
FOR THE YEARS 2012-2013

PREFACE

The Councilmembers of the City of Tonawanda and the President of the Common Council shall constitute the Common Council, and the President of the Common Council shall be the presiding officer thereof.

REGULAR MEETINGS

Regular meetings of the Common Council shall be held in the Council Chambers on the first and third Tuesdays in each calendar month; such regular meetings shall convene at 7 o'clock P.M. Regular meetings shall be open for the transaction of any business which may properly come before the Council. Dates and times of regular meetings may be adjusted by the majority vote of the Common Council.

ORDER OF BUSINESS

At the hour appointed for the meeting of the Council, the President shall call the meeting to order, and direct the Clerk to call the roll, the Clerk recording the names of all Councilmembers present and noting the absentees. If a quorum is not present, absent members shall be sent for in the manner prescribed by law.

1. Roll Call by the City Clerk
2. Pledge to the flag
3. Opening prayer
4. Results of bid openings
5. Communications from the Mayor
6. Communications from City Officials and Correspondence
7. Presentation of Petitions

8. Resolutions to be acted on by the Common Council at its Regular Meeting shall be submitted by the appropriate Department Head and/or Mayor's Office to the City Clerk's Office no later than 3:00 P.M. on the Thursday preceding the meeting. Said draft resolutions will be delivered to the members of the Common Council by e-mail, mail or personal delivery no later than the Saturday preceding the meeting. Any Councilmember having objection and or questions to said resolutions shall consult with the Department Head. Objections to the resolutions shall be conveyed to the Council President and City Clerk expeditiously. Resolutions submitted past the deadline will not be considered unless deemed by the majority to have such urgency.

9. 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.

10. Motions and Resolutions

11. Closing remarks by members of the Common Council.

12. Adjournment

Note: With respect to written questions or comments referred to in numbers 9 and 11 above, responses will also be in writing done in a timely manner.

#### DUTIES OF THE PRESIDING OFFICER

The President of the Common Council, as Presiding Officer, shall possess the powers and perform the duties as herein prescribed, viz:

1. He shall preserve order and decorum.
2. He shall decide all questions of order, subject to appeal to the Common Council. On every appeal he shall have the right in his place to assign his reason for his decision; but any member may state the grounds for his appeal.
3. He shall, with the consent of the Council, have the right to invite to the floor, and to extend the privilege of addressing the Council, to such persons as shall request the privilege.
4. The President may vote on any question submitted to the Common Council.
5. The Common Council President may introduce or second any matter that can come before the Common Council.
6. He shall be the ex-officio member of all committees.
7. He shall appoint all committees, chairmen of said committees and determine the number of members of all committees.

#### STANDING COMMITTEES

Standing committees shall be appointed by the Common Council President at the first regular meeting of the Council each year, or as soon thereafter as practical.

## RULES

1. Every member of the Common Council, when he speaks, shall address the presiding officer as “Mr. President”, and shall not proceed until recognized.

2. The Presiding Officer shall call for a voice vote of the body, or the Clerk shall, upon order of instruction from the Presiding Officer, call the ayes and nays on all questions by law required, which shall be entered upon the minutes of the Council. If any member requires it, on any questions, a like call shall be made, and the result likewise entered. In calling ayes and nays on any question, the members shall be called in the following order: Little, Boyle, Slisz, Kossow. The Council President shall vote last. Exception: A motion to “waive the reading” shall be voted on by a voice vote of the body, aye or nay.

3. Every member shall vote when a question is stated from the Chair, unless excused by the Chair after stating substantial reason and or conflict of interest.

4. When two or more members rise at the same time, the Presiding Officer shall name the one who is first to speak.

5. Any member may be called to order, in which case the member so called to order shall immediately sit down, the point of order shall be stated at the request of the Presiding Officer, by the member raising the question of order, and shall be decided without debate, before proceeding to other business.

6. If any question contains several distinct propositions, it shall be decided by the chair at the request of any member but a motion to strike out and/or insert shall be indivisible.

7. Any member may have any paper in possession of the Council read, unless the reading of the same shall be objected to by some other member, and then question shall be determined by a vote of the Council, without debate.

8. Every member, upon presenting a petition, memorial, resolution or other paper, shall move some action thereon.

9. All petitions or other papers addressed to the Council shall be considered by the Common Council.

10. A motion to amend or amendments, lay on the table, or for the previous question, shall be decided without debate, and all question of order, and all questions relating to the order of business, shall be decided without debate. The several motions to postpone, or refer, shall preclude all debate on the main question.

11. When a question has been once put and decided, it shall be in order for any member who voted with the majority to move for the reconsideration and possible rescinding of that question.

12. A motion for reconsideration, if lost, shall not again be repeated at the same meeting of the Council, nor shall any question be reconsidered more than once.

13. When a question is pending, no motion shall be received, except as hereinafter specified, and these shall have preference in the order stated, viz:

- A. For an adjournment of the Council
- B. To lay on the table
- C. For the previous question
- D. To postpone indefinitely
- E. To postpone to a certain day
- F. To refer to a standing committee
- G. To refer to a special or select committee
- H. To amend

14. After the roll call upon any question has been commenced, no member shall speak on the question, nor shall any motion be made until after the result is declared.

15. Upon the presentation of any claim or account, it shall be referred to the Audit Committee, and no account or claim shall be audited or allowed until it shall be examined and reported on by said committee.

16. A majority vote or more of the whole Council and not a majority of the members present shall be necessary to the appointment of any person to any appointed office.

17. Every motion which shall have been offered shall be distinctly stated by the City Clerk, upon being seconded and before being debated, shall be reduced to writing by the City Clerk, upon request of the Presiding Officer or any member of the Council. It may be withdrawn at any time before decision, commitment, or amendment by majority consent.

18. No standing rule or order of the Council shall be repealed, rescinded, or changed except by an affirmative vote of at least three members of the Council; nor shall any new rule be added thereto, except by a like vote; but they may be suspended at any time by the consent of the majority of the whole Council.

19. Whenever any question not covered by these rules arise, this Council shall be governed by the majority rule of the Common Council.

Council President Zeisz – The major change to the Rules of Order is Section 9, page 4 and it basically mirrors a policy that the school board does. There're a few minor changes but the long and short of it is, there will be a 30-minute session allowed before the resolutions, 30 minutes after the resolutions and 3 minutes per person in each of those sessions. So it's important that when you come to the mic that it's short, concise, and to the point and then if you have questions, we'll certainly answer those questions. So that's the major change to the Rules of Order. Oh, and one other point. Going forward from tonight every agenda will have this spelled out right before the resolutions so that everyone will see it each meeting.

Ayes: Little, Boyle, Kossow, Zeisz  
Nays: None

Resolution declared adopted

4. By Councilmember Boyle seconded by Council President Zeisz  
Resolved, that Janice R. Bodie, Clerk-Typist in the City Clerk's Office, be given the duties of City Clerk for the City of Tonawanda, effective January 1, 2012, with the additional annual stipend of \$25,273.00, term to expire December 31, 2013.

Councilmember Boyle – I've been doing this for 8 years, it will be my fifth term and I think there's one person, I believe, I wish I should have said this when I got sworn in on Saturday, one person that's really runs this Council and it's Janice. She's an excellent person if you need anything done, she can take care of it and I just think you're, the same thing I said to Jason, "atta girl".

Council President Zeisz – I just have to make a couple comments. I'm not sure of the time because after a while the years all blur together but I think it's about 16 years ago that Jan sat in this seat next to me and she's always been there as the right hand person and as far as the people that I've known in City Hall, she's also my best friend. I couldn't be more proud than to continue with Jan in this position.

Ayes: Little, Boyle, Kossow, Zeisz  
Nays: None

Resolution declared adopted

5. By Councilmember Boyle seconded by Council President Zeisz  
Resolved, that at the recommendation of the City Clerk, Kathleen R. Greenawalt, Clerk-Typist in the City Clerk's Office, be appointed Deputy City Clerk for the City of Tonawanda, effective January 1, 2012, with the additional annual stipend of \$3,056.00, term to expire December 31, 2013.

Councilmember Boyle – Well it goes along with what I said about Jan. Kathy, she gets up here and she's just, I mean sometimes I think I kind of freak her out when I kinda go on but she does an excellent job filling in on Jan's shoes and she well deserves this position.

Ayes: Little, Boyle, Kossow, Zeisz  
Nays: None

Resolution declared adopted

6. By Councilmember Boyle seconded by Councilmember Little  
Resolved, that Janice R. Bodie be appointed Registrar of Vital Statistics for the City of Tonawanda, said two year appointment to expire December 31, 2013.

Council President Zeisz – One thing I just wanted to add, because I know a lot of people are new at coming to Common Council meetings at least in the last couple of years. When Ms. Bodie became the Clerk, it was basically a political position and one of the goals I had at the time was to remove it as a political position and put someone in the position that would carry out the duties of Clerk but also other office duties and not be in a position, a political position, so that was really a big part of how Ms. Bodie ended up in this job in the first place because at the time it was not functioning in a manner that was really conducive to the business it needed to do, so I just wanted to throw that in.

Ayes: Little, Boyle, Kossow, Zeisz  
Nays: None

Resolution declared adopted

7. By Councilmember Boyle seconded by Councilmember Little  
Resolved, that Kathleen R. Greenawalt be appointed Deputy Registrar of Vital Statistics for the City of Tonawanda, said two year appointment to expire December 31, 2013.

Ayes: Little, Boyle, Kossow, Zeisz  
Nays: None

Resolution declared adopted

8. By Councilmember Boyle seconded by Councilmember Little  
Resolved, that Holly M. Batt be appointed Sub-Registrar of Vital Statistics, term to expire December 31, 2013.

Ayes: Little, Boyle, Kossow, Zeisz  
Nays: None

Resolution declared adopted

9. By Councilmember Kossow seconded by Council President Zeisz  
Whereas, the Charter of the City of Tonawanda no longer requires that the Common Council designate an official newspaper for the City, and  
Whereas, the Common Council has determined that designation of official newspaper is in the best interest of the City, therefore be it  
Resolved, that the Tonawanda News is hereby designated as the official newspapers of the City of Tonawanda for the years 2012-2013.

Ayes: Little, Boyle, Kossow, Zeisz  
Nays: None

Resolution declared adopted

10. By Councilmember Kossow seconded by Council President Zeisz  
Resolved, that this Common Council does hereby designate the First Trust Office, HSBC (First Niagara), and the Broad Street Office, Manufacturers and Traders Trust Co., the Main Street Office of Citizens Commercial, and J.P. Morgan Chase Bank, as official depositories of the City of Tonawanda for the years 2012 - 2013 and be it further

Resolved, that said First Trust Office, HSBC (First Niagara) and the Broad Street Office of the M&T Bank, J. P. Morgan Chase Bank, Buffalo, New York and Main Street Office of Citizens Bank, be required to furnish collateral for the City deposits as required by New York State statutes.

Ayes: Little, Boyle, Kossow, Zeisz

Nays: None

Resolution declared adopted

11. By Council President Zeisz seconded by Councilmember Little  
Resolved, that Councilmember Boyle and Councilmember Kossow be appointed to the Finance Committee, effective January 1, 2012.

Ayes: Little, Boyle, Kossow, Zeisz

Nays: None

Resolution declared adopted

12. By Councilmember Boyle seconded by Council President Zeisz  
Resolved, that Sanford Belsky, be reappointed to the position of Plumbing Inspector for the City of Tonawanda, term to expire February 28, 2012, at a salary of \$21.23 per hour, not to exceed 19 hours per week, and be it further

Resolved, that this individual is entitled to the provisions provided in the Personnel Policy Manual for Group 8 employees.

Councilmember Boyle – Is there any increase to his pay Joe?

City Treasurer Hogenkamp - No.

Council President Zeisz - If anyone's wondering, this is normally a two-year appointment by the Common Council. However, about two years ago, Mr. Belsky moved out of the City and as everyone knows, we have a residency requirement for positions. So two years ago we posted the job in the newspaper and we didn't get any takers, so once again, we're going to try through the Buffalo and the Tonawanda News to post this position and see if there's any interest and that's why at this time, we're only temporarily appointing the job for two months. If at such time we end up staying with Mr. Belsky, then we'll finish out the other two years of the term.

Ayes: Little, Boyle, Kossow, Zeisz

Nays: None

Resolution declared adopted

13. By Councilmember Little seconded by Councilmember Boyle  
Resolved, that Nancy Pohzehl, 228 Delaware Street, be reappointed to the position of Bingo Inspector, at a salary of \$723.00 per year, term to expire December 31, 2013.

Ayes: Little, Boyle, Kossow, Zeisz

Nays: None

Resolution declared adopted

14. By Council President Zeisz seconded by Councilmember Kossow  
Resolved, that the reading of the following resolution be waived.

Ayes: Little, Boyle, Kossow, Zeisz

Nays: None

Resolution declared adopted

15. By Councilmember Boyle seconded by Councilmember Kossow  
Resolved, that the following certificates of insurance and bonds for plumbers be filed and a license be issued for said plumbers to do business in the City of Tonawanda. Jaysen Bryk (H.W. Bryk & Sons, Inc.); Charles Carfley (A. Gareleck & Sons, Inc.); Michael Carney (M.J. Carney Plumbing Service); Dennis M. Deasy (Deasy Plumbing & Heating); Michael R. Dollendorf (Roy's Plumbing); Mark Fremont (Mark's Plumbing, Inc.); Mark Gfroerer (Huron Plumbing); Frank J. Grandinetti (Grand Jude, Inc.); Frank M. Grandinetti (Grand Jude, Inc.); Joseph A. Grasso (Hollingworth Enterprises, Inc.); Donald V. Greene, Jr. (Niagara Frontier Plumbing); Martin K. Hall (Marty Hall's Plumbing & Heating, Inc.); Michael F. Higgins (Higgins/Mayers Plumbing Co., Inc.); Leonard N. Joyce (Joyce Plumbing); Matthew Kandefer (Matthew Kandefer, Inc.); Dennis Kenney II (Great Lakes Plumbing); Richard Kuhns (R.I.C. Plumbing Inc.); Dean Luongo (John W. Danforth Company); David P. Martin (Dave Martin Plumbing); John S. Militello (Kimil Construction, Inc.); David W. Muskopf (MLP Plumbing, Inc.); Salvatore Musso (Musso Plumbing & Heating, Inc.); Michael R. O'Neil (Sparks Plumbing & Heating Inc.); Louis J. Panepento (Penny's Hardware & Plumbing); William M. Petty (BP Plumbing); Stephen Reddy (Erie Niagara Mechanical); Paul Rosiek (G&W Plumbing & Heating, Inc.); Todd J. Schmigel (Joseph V. Schmigel & Sons); George E. Sorri (New Horizon Plumbing & Construction Co.); Mark A. Taylor (East Amherst Plumbing Co., Inc.); Christopher Tryiankowski (PCS Plumbing & Heating); Gregory Zakrzewski (Aslan Plumbing & Mechanical Services, Inc.).

Ayes: Little, Boyle, Kossow, Zeisz

Nays: None

Resolution declared adopted

16. By Council President Zeisz seconded by Councilmember Little  
Resolved, that Amanda A. Galas is hereby granted a leave of absence from the position of Senior Recreation Leader, commencing January 3, 2012, for a period not to exceed one year.

Ayes: Little, Boyle, Kossow, Zeisz

Nays: None

Resolution declared adopted

17. By Councilmember Boyle seconded by Council President Zeisz  
Resolved, that the reading of the following resolution be waived.

Ayes: Little, Boyle, Kossow, Zeisz

Nays: None

Resolution declared adopted

18. By Council President Zeisz seconded by Councilmember Boyle  
Whereas, former Department of Parks and Recreation Director Linda Foels retired from her position effective December 22, 2011, and  
Whereas, the Mayor has temporarily appointed Senior Recreation Leader Amanda Galas to the position of Director of Parks and Recreation effective November 17, 2011, for a period up to six months, and  
Whereas, Ms. Galas has, and will be performing all of the duties of the position of Director of Parks and Recreation, effective November 17, 2011, and  
Whereas, the Mayor and Common Council wishes to establish a new Salary Grade for the position of Director of Parks and Recreation, to be made part of the City of Tonawanda Personnel Benefits and Policy Manual as follows; Step 1, \$49,802.00 - Step 2, \$56,917.00 - Step 3, \$64,303.00 and Step 4, \$71,147.00 Now, therefore, be it  
Resolved, the Common Council authorizes the Mayor and City Treasurer to pay Amanda Galas the Salary Grade Step 1 salary of \$49,802.00 effective November 17, 2011, for acting in the position of Director of Parks and Recreation, with incremental increases to the next Salary Grade Step every six (6) months.

Ayes: Little, Boyle, Kossow, Zeisz

Nays: None

Resolution declared adopted

19. By Council President Zeisz seconded by Councilmember Boyle  
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 negotiations.

Ayes: Little, Boyle, Kossow, Zeisz

Nays: None

Resolution declared adopted

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

Nancy Paschen, 5 Main Street – I was wondering, last year you mentioned that you might (inaudible) and change the Charter and I was wondering if you did something about that yet. I know you’ve been busy.

Council President Zeisz - I do have that down as something that we wanted to get into and we didn’t yet but yes, that is the goal to take a look at the Charter.

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

Councilmember Little – All I can say is thank you for appointing me to this position and I look forward to working for you for the next two years.

Councilmember Boyle – This past Saturday, my wife and I and few of our kids, we went down to the ball drop downtown. The weather was beautiful, there were a lot of people out there, it was just a great time. I want to thank the people in the Second Ward for nominating me for my fifth term and also High School seniors, Youth Days, very good. So start spreading the word. Good, good, good.

Councilmember Kossow – I wanted to thank everybody for coming to the inauguration on Saturday. It was a really great experience and I’d like to thank everybody who voted for me to be up here, looking forward to serving you for the next two years and if you need any referees Mr. Boyle, let me know.

Mayor Pilozzi – I too was at the Swearing in Ceremony on Saturday evening at 4:00 P.M., it was a great ceremony and whether you’re a Democrat or a Republican, we’re all Americans and we’re all here for Tonawanda and (inaudible) we are Americans first and the fact of the matter is, we all try to do the best for this community and I look forward to working with the new members of this Council, moving forward. There’re a lot of exciting things happening in Tonawanda and unfortunately, things move a little slow in government but we’ll make them happen, one way or another and I think we have people up here that can help to accomplish that mission.

Council President Zeisz – I just have a quick comment. It’s a privilege and a very humbling experience to have sat in this chair for so many years and with four more to sit here and I thank everyone whose support I’ve had over the years. I thank you for coming, have a great night, and drive home safely and we’ll see you again. We will be going in the back room to meet some more this evening and if anyone would like to stay and join us, we’ll not go to Executive until we’ve finished other business.

