

Council Chambers
Tonawanda, New York
January 17, 2012

A Regular Meeting of the Common Council

Present: Council President Zeisz
Present Councilmembers: Little, Boyle, Kossow

Pledge of Allegiance and Silent Prayer led by Council President Zeisz

*Proclamation given by County Legislator Kevin Hardwick
to
City Engineer Jason J. LaMonaco for being named
Professional Manager of the Year*

COMMUNICATIONS FROM THE MAYOR

Letter to Mark Warren, P.O. Box 361, reappointing him to the Planning & Zoning Board, term to expire December 31, 2016.

Letter to Ronald Ensminger, 334 Fletcher Street, reappointing him to the Waterfront Revitalization Board, term to expire December 31, 2012.

Letter to Brett Carlson, Labatts USA offering him an option to play the Labatts Pond Hockey Tournament at Ives Pond.
Ordered filed

COMMUNICATION FROM CITY OFFICIALS AND CORRESPONDENCE

The following monthly reports were received by the City Clerk:

November Activity Report of the Fire Department
December monthly report of the Building Inspector
December monthly report of the City Clerk
Yearly report of the City Clerk
January minutes of the Civil Service Commission
Agenda Board of Education meeting held on January 10, 2012
Referred to the Committee of the Whole
Ordered filed

A letter from City Attorney Trabucco to Edgemere Development, Inc., dated January 5, 2012, regarding the Kibler Senior Apartments.
Referred to the Committee of the Whole

A letter from Edward L. Wittmann dated January 12, 2012, informing the City of his retirement from the DPW, effective January 28, 2012.
Referred to the Committee of the Whole
Ordered filed

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Council President Zeisz – You will notice in your agenda, and this will be going forward, there is a section that speaks to Public Comment. That will be in every agenda from now on.

COMMENTS BY THE PUBLIC ON RESOLUTIONS

There were no comments by the public on resolutions.

MOTIONS AND RESOLUTIONS

21. By Councilmember Little seconded by Councilmember Kossow
 Resolved, that the Common Council minutes from January 3, 2012, be accepted as filed.

Councilmember Boyle – Ever since this was brought in, I voted “no” against this resolution. The reason I voted “no” was because every time that we voted, and by postponing these minutes, it took a month to get it on line and we talked last week about getting it on line as soon as it was done with a little asterisk saying, “without any changes” or something like that. As long as we get that, get it posted on line because there are people that I’ve talked to that cannot make it to these meetings, they like to read them on line and by the time that they get it, it’s a month past. So as long as we can get them put on line, I have no problem at all with this resolution.

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

Resolution declared adopted

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

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

Resolution declared adopted

23. 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

24. By Councilmember Boyle seconded by Council President Zeisz
 Whereas, Mueller Services, Inc. operates a highly successful business in the City of Tonawanda, in a property it owns at 63 Main Street, employing over 250 employees at that location, and

Whereas, Mueller is exploring opportunities to increase business operations in the City, by renovating additional space, purchasing additional property and possibly employing additional personnel, and

Whereas, Mueller clients are located across the United States, who require Mueller internet and on-line services be provided on an uninterrupted basis, with back-up generator electric service for all computer servers, and

Whereas, without the ability to provide uninterrupted service at it's present location, and possible future additional locations in downtown Tonawanda, Mueller would be required to seriously consider relocating its business operations, and

Whereas, the City and Mueller have had extensive discussions regarding site options for the placement of a back-up generator to provide the above referenced services and determined the only viable option was a location directly 51-55 Main Street, in the city's right-of-way, in close proximity to the building located at 51-55 Main Street, and such location would not interfere with vehicular traffic, and

Whereas, the City and Mueller have extensively discussed the terms of a License Agreement, to locate the generator in the City's right-of-way, including terms that would require Mueller to move such generator with thirty (30) day written notice to Mueller, as opposed to a lease which would provide Mueller the right to occupy this space for an extended period of time, and

Whereas, the proposed License Agreement and Exhibit A attached to this Agreement include terms meeting the needs of the City and Mueller, and will permit Mueller to meet client needs and for Mueller to continue operating, and possibly increase its investment in downtown Tonawanda, Now, Therefore, Be It

Resolved, the City of Tonawanda Common Council has reviewed the terms of the proposed License Agreement between City of Tonawanda and Mueller Services, Inc, approves those terms, and authorizes the Mayor to sign and execute the License Agreement.

Ayes: Little, Boyle, Kossow, Zeisz

Nays: None

Resolution declared adopted

25. By Councilmember Kossow seconded by Councilmember Boyle

Resolved, that at the recommendation of the Superintendent of Public Works, that an agreement with Regional Computer Recycling and Recovery (RCR &R) be signed for the purpose of recycling electronic waste and with the City of Tonawanda receiving a rebate of \$.086 per pound.

Ayes: Little, Boyle, Kossow, Zeisz

Nays: None

Resolution declared adopted

26. By Councilmember Kossow seconded by Council President Zeisz

Resolved, that at the recommendation of the Superintendent of the Public Works, that a two (2) year agreement with Liberty Tire Recycling be signed for the recycling of light weight truck and car tires for a fee of \$50.50 per ton.

Councilmember Boyle – All right, what is this \$50.50 per ton, how many tires are we talking per ton about, normally car tires? I just want to know, when I drop them off at \$2.50 a piece...

DPW Superintendent Neal Myers - ...25 or 30.

Councilmember Boyle – Okay, thank you.

Ayes: Little, Boyle, Kossow, Zeisz

Nays: None

Resolution declared adopted

27. By Council President Zeisz seconded by Councilmember Boyle
Resolved, that Mary Lou Mattioli, 130 Broad Street, be appointed to the Board of Assessment Review, term to expire September 30, 2015.

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

Resolution declared adopted

28. By Councilmember Little seconded by Council President Zeisz
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: Gary P. Blaser, (Blaser Plumbing); Paul N. Cecchini, (Cecchini Plumbing); Donald L. DiCarlo (Trademaster Contracting, Inc.); Frank DiMaria (Franks/Mr. Plumber); Michael Diebold (MCD Plumbing, Inc.); Michael R. Duerr, (Neighborhood Plumbing, Inc.); Barrett Greene (WNY Plumbing Co.); Daniel Greene (WNY Plumbing Co.); Christopher T. Haefner (Haefner Plumbing); Timothy Jones (Jones Plumbing); Jeffre Miller (T-Mark Plumbing, Inc.); David J. Morrison (H&M Plumbing & Mechanical Cont., Inc.); John T. Nuttle (Numarco, Inc.); Todd M. Russo (Russo Plumbing Heating & Cooling); Herbert F. Schmit, III, (Schmit Plumbing & Heating LLC); James R. Swanson (J.R. Swanson Plumbing Co., Inc.); John Wachala (Sunset Plumbing & Heating); Thomas Zinzola (Zinzola Plumbing).

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

Resolution declared adopted

29. By Council President Zeisz seconded by Councilmember Kossow
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

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COMMENTS FROM THE PUBLIC AFTER RESOLUTIONS

Robert Derner, 286 Niagara Shore Drive – Last Saturday in the Buffalo News, there was an article was written concerning the City and Town of Tonawanda interviews for shared assessor. In the article it says that the part time assessor is going to get \$60 an hour from the City and \$35 an hour from the Town and I was wondering why there's such a difference.

Council President Zeisz – What I can answer for you is, right now ours is working about 10 hours a week, the individual that's filling in until we have a permanent assessor, and I can speak to the fact that we're paying \$60 but what I can't speak to is that they're paying \$35. Maybe the Mayor would like to comment on that because he's been part of the meetings on a joint partnership. The Council really, we haven't had a whole lot of involvement at this point in time.

Mayor Pilozzi – Mr. Derner, first and foremost, the \$60 an hour rate is the same as the particular individual we're talking about here is getting on Grand Island which doesn't make it right but that's basically what he was getting on Grand Island. The \$35 an hour he's getting in the Town of Tonawanda is based on two things. Number one, he wasn't the assessor there. He was working on the appraisal end of the business and on top of that, he gets all his medical paid by the Town of Tonawanda.

Robert Derner – Well it seems that the people on the assessment committee that's looking into hiring the assessor for both the City and the Town is one, the Town Councilman Joe Emminger, and the other person is Sam Iraci from the City of Tonawanda, and the other one is (coughing), the Town's personnel director. So the Town has two people and the City of Tonawanda has one and we're paying more and they're paying less and it just doesn't seem right. After all, we've got 6,800 parcels in the City here and the Town has 33,000.

Mayor Pilozzi – What's the connection between how many people sit on the committee?

Robert Derner - Because two of them are from the Town, one of them is from the City and we're paying more and they're paying less.

Council President Zeisz – Before we go any further, Mr. Derner, do you have any other questions because your...

Robert Derner - ...no, that's it.

Council President Zeisz – All right, we'll answer your question because your three minutes is up so we'll answer your question and then move on to the next person.

Mayor Pilozzi – Again, that's what the assessor was getting on Grand Island, number one. Number two, Town of Tonawanda, he was not the assessor as he is in the City of Tonawanda (inaudible), in the past, on a part time basis on Grand Island. Number three, his function in the Town of Tonawanda was not a full assessor, plus on top of that, they are currently paying for all his medical. That's the difference. And the connection you're trying to make, I don't understand that, but...

Robert Derner – The \$60.

Mayor Pilozzi – And that's the basis of my answer to your question. My question to you was, what's the connection between two or three people sitting from the Town of Tonawanda and Mr. Iraci and me sitting from the City of Tonawanda, looking at the overall picture.

COMMENTS FROM THE COUNCILMEMBERS AFTER RESOLUTIONS

Councilmember Kossow – I have nothing today.

Councilmember Boyle – Just wanted to say that Youth Days, graduating Seniors sitting out there, Youth Days, the 28th at the Winter Fest, we'll be having, the Youth Board will have the concession stand, I'll have rosters there, so I know that those two gentlemen back there, I think you have one or two shirts if I'm not mistaken, so get your teams together, okay?

Councilmember Little – I have nothing to add at this time.

Mayor Pilozzi – I just want to echo all the comments that were made about Jason LaMonaco and just say that over 30 years of my life was spent working with engineers at General Motors and, let's see it's been 14 years between being a Councilman and the Mayor, and it's a rare individual that can not only be a darn good engineer but also so highly dedicated to this City. I could not say anything other than I am very proud and very grateful that Jason LaMonaco picked Tonawanda to spend his career. I hope he stays here for a lot longer than me.

Council President Zeisz – I want to congratulate Jason. He's a great guy, he's worked very hard for the community while he's been here, he's a pleasure to work with. Unfortunately, I did go to Canisus, so you're a little bit lower on the stick. I had to get it because I knew the Legislator was still here so I had to get that little dig in there. Other than that, I just wanted to let everyone know that the Council will continue to meet in Open Session in the back room tonight and we'll be looking at the Parks and Recreation Department, whether we're looking at option whether or not to leave the department the way it is, or to incorporate the maintenance into our DPW Department as it was in prior years, so we'll talk about that and some other City business if anyone so desire to stay. Other than that, I thank you all for coming, drive home safely and we'll see you again. Have a great night.

ADJOURNMENT

30. By Councilmember Boyle seconded by Councilmember Little
Resolved, that this Common Council adjourn until, February 7, 2012.

Ayes: Little, Boyle, Kossow, Zeisz

Nays: None

Resolution declared adopted