

**PUBLIC HEARING****June 20, 2017**

The public hearing was called to order at 5:20 PM by Councilman-at-large Woloszyn.

Present: Councilmen Williams, Bamonto, Gonzalez, Councilwoman Szukala and Councilman-at-large Woloszyn.

Also present: Mayor Rosas, City Attorney Connolly, Public Works Director Bankoski, City Treasurer Woods, Fiscal Affairs Officer Halas, Clerk, Board of Assessors Mleczo, Personnel Administrator Heyden, Director of Development Yanus, Festivals and Special Events Coordinator Rosas, Fire Chief Edwards and Police Chief Ortolano.

Notice of Public Hearing was read by Councilman-at-large Woloszyn.

The public hearing was held for the purpose of giving interested persons an opportunity to comment on Resolution #32-2017 Intro No. 3 to Local Law #3-2017 City of Dunkirk, New York A Local Law to amend Chapter 49, Section 49-4C of The Dunkirk City Code

**PUBLIC COMMENTS:**

No one spoke.

**Public Hearing closed at 5:23 PM****Edwin Ramos, City Clerk****PUBLIC HEARING****June 20, 2017**

The public hearing was called to order at 5:25 PM by Councilman-at-large Woloszyn.

Present: Councilmen Williams, Bamonto, Gonzalez, Councilwoman Szukala and Councilman-at-large Woloszyn.

Also present: Mayor Rosas, City Attorney Connolly, Public Works Director Bankoski, City Treasurer Woods, Fiscal Affairs Officer Halas, Clerk, Board of Assessors Mleczo, Personnel Administrator Heyden, Director of Development Yanus, Festivals and Special Events Coordinator Rosas, Fire Chief Edwards and Police Chief Ortolano.

Notice of Public Hearing was read by Councilman-at-large Woloszyn.

The public hearing was held for the purpose of giving interested persons an opportunity to comment on Resolution #39-2017 Intro No. 4 to Local Law #4-2017 City of Dunkirk, New York A Local Law to amend Article VII, Section 7.00 of The Dunkirk City Charter

**PUBLIC COMMENTS:**

Paul Vandenhouver inquired who does this affect. Have you received information for the New York State control board recommending that changes be made? Don't you think you should wait for the recommendation from the control board before you make changes?

Mayor Rosas stated that they are looking at restructuring to function more efficiently City Charter needs to be changed. No changes to the City Charter have been made in 20 years. This affects mid level management. No I do not think we need to wait for recommendations from the New York State control board before we make changes. I believe the City has waited too long and that has caused major issues that I have had to deal with as the Chief Executive Officer.

Steve Zatoriski 36 Perry St 15 year employee of the City spoke opposing the changes to the City Charter.

Public Hearing closed at 5:32 PM

Edwin Ramos, City Clerk

**PUBLIC HEARING**

**June 20, 2017**

The public hearing was called to order at 5:33 PM by Councilman-at-large Woloszyn.

Present: Councilmen Williams, Bamonto, Gonzalez, Councilwoman Szukala and Councilman-at-large Woloszyn.

Also present: Mayor Rosas, City Attorney Connolly, Public Works Director Bankoski, City Treasurer Woods, Fiscal Affairs Officer Halas, Clerk, Board of Assessors Mleczeko, Personnel Administrator Heyden, Director of Development Yanus, Festivals and Special Events Coordinator Rosas, Fire Chief Edwards and Police Chief Ortolano.

Notice of Public Hearing was read by Councilman-at-large Woloszyn.

The public hearing was held for the purpose of giving interested persons an opportunity to comment on Resolution #40-2017 Intro No. 5 to Local Law #5-2017 City of Dunkirk, New York A Local Law to amend Chapter 2, Article VII, Sections 2-7.02, 2-7.04, 2-7.05, 2-7.07 and 2-7.09 of The Dunkirk City Code

**PUBLIC COMMENTS:**

Russell Tenamore 243 Lord St, representing Local 2693. How do the council members plan on voting on a Charter change, when you have not seen the Mayors plan and/or City's plan? Are any Civil Service Laws being violated or has anyone checked? I ask that before you vote, look at what you are voting for.

Mike Porpiglia 326 Dove St. Does the council know that changes that are going to be made? Are there cost savings involved?

Public Hearing closed at 5:42 PM

Edwin Ramos, City Clerk

**COMMON COUNCIL PROCEEDINGS**  
**June 20, 2017**

The meeting was called to order at 5:42 PM by Councilman-at-large Woloszyn followed by the Pledge of Allegiance.

Present: Councilmen Williams, Bamonto, Gonzalez, Councilwoman Szukala and Councilman-at-large Woloszyn.

Also present: Mayor Rosas, City Attorney Connolly, City Treasurer Woods, Clerk, Board of Assessors Mleczo, Personnel Administrator Heyden, Executive Assistant to the Mayor Westling, Director of Development Yanus, Building Inspector Zurawski, Festivals and Special Events Coordinator Rosas, Fire Chief Edwards and Police Chief Ortolano.

At this moment and time the floor has been relinquished to Chief Ortolano. Chief Ortolano respectfully requested that everyone stand for a moment of silence in honor of Retired Desk Sergeant Frank Rozen who passed away June 16. He served the City for 31 years.

Certification of Tuesday, June 6, 2017 Common Council Meeting was read by City Clerk Ramos.

**RESOLVED:** That the reading of Tuesday, June 6, 2017 Common Council Meeting be dispensed with.

Motion by Councilman Gonzalez to accept the minutes as presented. Seconded by Councilman Williams.

Carried, all voting aye.

Councilwoman Szukala motioned to meet in Executive Session to discuss more than one matter. Individuals will be called in and out. Seconded by Councilman Bamonto

Carried, all voting aye.

Councilman-at-large Woloszyn advised he would need a motion to come out of Executive Session.

Present: Councilmen Williams, Bamonto, Gonzalez, Councilwoman Szukala and Councilman-at-large Woloszyn.

Councilwoman Szukala moved to adjourn the Executive Session at 6:38pm and reconvene to the regular Council Meeting. Seconded by Councilman Williams

**PUBLIC COMMENTS:**

Natalie Luczkowiak, Dunkirk NY. would like to find out the status of the Adams Art Gallery. What is the city's roll in this building?

Harriet Tower, 438 Swan Street, would like to find out if there are any suggestions regarding parking problems in her neighborhood. Residents in her neighborhood are planning to sell their homes and move due to lack of parking. Is there an empty lot that could be approved for

resident parking? Another neighborhood she is concerned with is the 600 block of Main St. There are 68 living units on that block. There are only 14 parking spots on one side of the street and 16 on the other.

Chief Ortolano advised that on street parking is public parking and cannot be regulated and maybe landlords could help out by providing driveways.

Mike Civileto, 138 Ruggles St, representing the Community Advisory Committee. We have been concentrating on public safety. The location we have a lot of concern about is the intersection of Millard Fillmore and Central Avenue. The crosswalk buttons do not work properly. Could we have these repaired and clear the brush? This intersection is very weird, there are a couple different municipalities that are in charge of maintaining this intersection. Can someone contact these other municipalities to have these things taken care of? Would the county be willing to put a Sheriff at the intersection or the City to put an officer at this intersection during the fair to ensure pedestrians can cross safely? Also the condos that are going up on Otter St, I have a concern about the lack of sidewalks. Can it be put into the resolution to charge Athenex, the developer or maybe the City can charge the people on those streets to have sidewalks put in?

#### **COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:**

Mayor Rosas is pleased to announce the scheduling of a visit here by a representative of the New York State Comptrollers office. They will be here to help people in searching for funds that are owed to them. This comes as a result of the fact that there is 1.7 million dollars out there. These are funds that are owed to residents of the 14048 zip code. They will be here on Friday, July 28<sup>th</sup> from 10:00am-2:00pm in the Mayors conference room.

Mayor Rosas also announced that on Monday, June 26 at 4:00pm, he and the Development Department will be traveling to Buffalo to provide a power point presentation regarding the downtown revitalization initiative and the 10 million dollar grant. Director of Development Yanus advised this will be a revitalization initiative that Governor Cuomo has put into place for communities to put in applications for a ten million dollar grant. In addition, if you put in an application, there is smart growth funding that will fund projects within your grant application, if you are not granted the ten million dollars.

#### **COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**

Request from the Chautauqua Area Regional Transit System (CARTS) to use the Senior Center on July 21, 2017 to hold an open house in celebration of their 40<sup>th</sup> Anniversary as Chautauqua County's Public Transportation Carrier.

Councilman-at-large Woloszyn advised a motion was needed to refer to appropriate departments as well as approve subject to appropriate insurances and usual conditions.

Councilman Williams made a motion to approve. Seconded by Councilman Bamonto

Carried, all voting aye.

Request from The Dunkirk School District for two police officers for supervision of their High School home football games from 7:00pm-10:00pm on September 15<sup>th</sup>, September 22<sup>nd</sup> and October 6, 2017 and 3 police officers for supervision of the October 13, 2017 game vs. Fredonia. Also

requesting two police officers for supervision of two of the High School home basketball games from 6:00pm-9:00pm on December 22, 2017 and January 26, 2018.

Councilman-at-large Woloszyn advised a motion was needed to refer this to the Dunkirk Police Department and the Police union.

Councilman Gonzalez made a motion to approve. Seconded by Councilman Bamonto

Carried, all voting aye.

Loudspeaker Application from Henry Hooten Sr to have a band on July 3, 2017 at 212 Webster Street from 7:00pm-9:00pm.

Councilman-at-large Woloszyn advised a motion was needed to refer to appropriate departments as well as approve subject to appropriate insurances and usual conditions.

Councilman Bamonto made a motion to approve. Seconded by Councilman Williams.

Carried, all voting aye.

Notice of Claim from Andrew Chmura alleging damages to his vehicle due to a pothole while driving near 238 Willow Road.

Councilman-at-large Woloszyn advised a motion was needed to refer this to the law department.

Councilwoman Szukala made a motion to approve. Seconded by Councilman Williams.

Carried, all voting aye.

Summons and Verified complaint from Kimberly J. Caine for personal injuries allegedly sustained as the result of a fall on May 31, 2016 in front of 328 Central Avenue.

Councilman-at-large Woloszyn advised a motion was needed to refer this to the law department.

Councilwoman Szukala made a motion to approve. Seconded by Councilman Williams.

Carried, all voting aye.

#### **REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:**

Councilman Williams advised that next Tuesday at 4:00pm in the Mayors Conference Room we will be having the DPW meeting, everyone is welcome to attend. He also asked if there is a pickup truck that could be used during the festivals so they don't have to make a lot of trips with the Gators. DPW Director Bankoski advised that there is a pick up available at the Wastewater Treatment Facility. Mayor Rosas stated that he will assign someone to have that vehicle here at a certain time and then picked up.

Councilman Bamonto advised there will be a Personnel Committee on July 5 at 9:30am in the Mayor's conference room.

Councilman Gonzalez advised that The Economic Development meeting was this afternoon. We discussed the development plan how we are moving forward with that. We have had a lot of community participation at this meeting. Councilman Gonzalez states they also spoke about the dog park at the meeting.

Director of Development Yanus advised that the city won a grant for a residential community survey. We will be hiring consultants if the resolution passes tonight.

Councilwoman Szukala inquired to Treasurer Woods when we would be able to move forward with the KBS system in his office, so that in his absence the office would still be able to run smoothly, Building Inspector Zurawski for an update on the many houses with issues she had given him and Public Works Director Bankoski about trimming tree branches at 133 Franklin Avenue.

Treasure Woods advised that at this time it is in the works and we don't have a definite time frame. Building Inspector Zurawski informed that he will try and get to the list as soon as he can. DPW Director Bankoski noted that he will make a note of it and once the tree truck is out we will look into it.

Councilman-at-large Woloszyn stated there will be a finance committee meeting on Thursday, June 22, 2017 at 4:00pm

**UNFINISHED BUSINESS:**

**RESOLUTION #32-2017**

**INTRO NO. 3 TO LOCAL LAW #3-2017, CITY OF DUNKIRK, NEW YORK, A LOCAL LAW TO AMEND CHAPTER 49, SECTION 49-4C OF THE DUNKIRK CITY CODE.**

Councilman-at-large Woloszyn advised that he would need a motion to take this off the table.

Councilman Gonzalez made a motion. Seconded by Councilman Williams

Carried, all voting aye.

Councilman Williams requested for Chief Ortolano to explain the reason for the change in this law.

Chief Ortolano advised that last year there were some disruptive issues at some of the softball games. We do not want any alcohol in the dugouts or on the playing field while the games are going on.

Carried, all voting aye.

**RESOLUTION #39-2017**

**INTRO NO. 4 TO LOCAL LAW #4-2017 CITY OF DUNKIRK, NEW YORK. A LOCAL LAW TO AMEND ARTICLE VII SECTION 7.00 OF THE DUNKIRK CITY CHARTER.**

Councilman-at-large Woloszyn advised that he would need a motion to take this off the table.

Councilman made a motion. Seconded by Councilman Bamonto

Councilman Williams no

Councilman Bamonto, Councilman Gonzalez, Councilwoman Szukala, Councilman-at-large Woloszyn voting aye.

Carried, 4-1.

Councilwoman Szukala inquired to Mayor Rosas if this is the first step of many that you will be taking to restructure, if he will be meeting with the unions and making sure we are following civil service laws, with the attorney. If there is anyone who is changing roles from what they are now, will there be a reduction in their pay or will they be receiving the same benefits and pay that they have now. So everyone understands where we are coming from, there have been several times where workers have been specifically asked to do a job and the answer back to that was , that is not in my job description. Is that a correct assumption of why you are trying to do this?

Mayor Rosas explained that this restructure is necessary and he believes all the workers, staff and employees will be happy with the changes we will be making. Just as importantly the city residents will be very satisfied with what these changes are going to bring. We will be in compliance with all Municipal Laws as well as compliance of the Union contracts and The City Charter. The restructuring will take a little bit of time. They will most likely be receiving the same benefits and pay that they are receiving now. That is not something that I can guarantee because we have identified a couple positions that we feel are no longer needed and if we proceed in that direction they will be offered a different position so everything has to be in compliance with the unions contracts. There are a combination of factors as to why this restructuring needs to happen, however it has happened that an employee has been asked to do a particular job and the employee stated that was not in their job description.

Councilman Bamonto asked Mayor Rosas if there are going to be any job losses.

Mayor Rosas explained that is not the intent of this restructuring. This is meant to make us function in a more constructive manner. The intent is not to have any job loss; however the individuals involved will be afforded an opportunity to move into another position making the same salary with the same benefits. If they chose not to, this may result in job loss.

Councilman Williams inquired to Mayor Rosas, if this passes how you are going to be meeting with everybody. I think there were a lot of good points brought up at the public hearing section today and I do believe that a little bit more time could be taken to ask questions and get more information.

Mayor Rosas stated there will be some meetings. Council members will be fully involved. The individuals involved will be meeting with the Director as well as myself. If need be the union reps as well as our attorney. I am looking for a peaceful motion to make us work more efficiently.

Councilman Williams no

Councilman Bamonto, Councilman Gonzalez, Councilwoman Szukala, Councilman-at-large Woloszyn voting aye.

Carried, 4-1.

**RESOLUTION #40-2017**

**INTRO NO. 5 TO LOCAL LAW #5-2017 CITY OF DUNKIRK, NEW YORK. A LOCAL LAW TO AMEND CHAPTER 2, ARTICLE VII, SECTIONS 2-7.02, 2-7.04, 2-7.05, 2-7.07 AND 2-7.09 OF THE CITY OF DUNKIRK CITY CODE.**

Councilman-at-large Woloszyn advised that he would need a motion to take this off the table.

Councilman Gonzalez made a motion. Seconded by Councilman Bomanto

Councilman Williams no

Councilman Bamonto, Gonzalez, Councilwoman Szukala, Councilman-at-large Woloszyn Voting aye.

Carried, 4-1

Motion passes

Councilman Gonzalez stated that all of these resolutions that we have been working on are just to make the City work more efficiently and save the tax payers money.

Councilman Williams no

Councilman Bamonto, Councilman Gonzalez, Councilwoman Szukalam, Councilman-at-large Woloszyn voting aye.

Carried, 4-1.

**RESOLUTION #48-2017**

**CREATING THE POSITION OF SPANISH SPEAKING FIREFIGHTER**

Councilman-at-large Woloszyn advised that he would need a motion take this off the table.

Seeing no motion, it will sit on the table.

**PRE-FILED RESOLUTIONS:**

**RESOLUTION #49-2017**

**RESCHEDULE THE COUNCIL MEETING TO TUESDAY, JULY 11, 2017**

Carried, all voting aye.



**RESOLUTION #50-2017****AUTHORIZING MAYOR TO EXECUTE GROUND LEASE WITH ERIE LAND DEVELOPING, LLC FOR HOTEL.**

Councilmember Williams asking the Mayor and City Attorney if there is a need to table this and have a public hearing.

City Attorney stated that he does not see any reason to.

Councilmember Szukala requested that when they start moving forward that they have a public presentation, invite the public in to see drawings, schematics and asking questions. Also learning from the last experience from the last land lease that we had down there, we need to make sure that there are specific guidelines as timing of when things will be built.

Carried, all voting aye.

**RESOLUTION #51-2017****AUTHORIZING GRANT APPLICATION NYSOPRHP**

Carried, all voting aye

**RESOLUTION #52-2017****AUTHORIZING GRANT APPLICATION TO FUND ECONOMIC IMPACT ANALYSIS OF NORTH COUNTY HARBORS**

Carried, all voting aye.

**RESOLUTION #53-2017****AUTHORIZING GRANT APPLICATION NY DEC WATER QUALITY IMPROVEMENT PROJECT FUND GRANTS PROGRAM.**

City Engineer Woodbury stated that the grant application is going to fund rain gardens in Point Gratiot which will greatly improve water quality. Mayor Rosas has asked DPW to interface with Development, the strongest relationship I think we have ever had in the City.

Carried, all voting aye.

**RESOLUTION #54-2017****AUTHORIZING GRANT APPLICATION NYSOCR MAIN STREET PROGRAM**

Carried, all voting aye.

**RESOLUTION #55-2017****AUTHORIZING GRANT APPLICATION MARKET NEW YORK PROGRAM**

Carried, all voting aye.

**RESOLUTION #56-2017**

**AUTHORIZING LEASE AGREEMENT WITH ROBERT JEYSMAN.**

Councilman Williams inquired who will be covering the cost for maintenance of the lawn. Will the dog park group that was formed be doing anything to raise money to help offset the cost?

Mayor Rosas stated that the City will be mowing the lawn. We will not be asking them to raise money to help cover costs.

Director of Development Yanus stated that there will be a five dollar fee for registering your dog to utilize the park.

Councilman Williams no

Councilman Bamonto, Councilman Gonzalez, Councilwoman Szukala, Councilman-at-large Woloszny voting aye.

**RESOLUTION 57-2017**

**AUTHORIZING AGREEMENT FOR CONSULTANT SERVICES FOR CITY DUNKIRK RESIDENTIAL HOUSING SURVEY.**

Carried, all voting aye.

**RESOLUTION 58-2017**

**ACCEPTING CONTRACT FOR BACKWASH WATER STORAGE TANK AND PUMP REPLACEMENT-PHASE 3 UNDER 2009 CONSENT ORDER.**

Carried, all voting aye.

**RESOLUTION 59-2017**

**AUTHORIZING MAYOR TO EXECUTE EASEMENT FOR NCWD**

Carried, all voting aye.

**ADJOURNMENT:**

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez

Carried, all voting aye.

**Adjourned at 7:30 PM**

**Edwin Ramos, City Clerk**

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