

COMMON COUNCIL PROCEEDINGS**August 15, 2017**

The meeting was called to order at 5:30 PM by Councilman-at-large Woloszyn followed by the Pledge of Allegiance.

Police Chief Ortolano asked for a moment of silence in memory K9 Officer Matthew Hazelton who passed away last week.

Present: Councilman Williams, Councilman Bamonto, Councilwoman Szukala, and Councilman-at-Large Woloszyn.

Also present: Mayor Rosas, City Attorney Morrisroe, City Treasurer Woods, Board of Assessors Mleczo, Clerk, City Engineer Woodbury, Building Inspector Zurawski, Personnel Administrator Heyden, Executive Assistant to the Mayor Westling, Director of Development Yanus, and Police Chief Ortolano.

Excused: Councilman Gonzalez and Fiscal Affairs Officer Pinkoski

Certification of the Monday, July 31, 2017 Common Council Meeting was read by City Clerk Ramos.

RESOLVED: That the reading of the Monday, July 31, 2017 Common Council Meeting be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

Jim Fisher with Revitalize Dunkirk advised their monthly meeting is scheduled this Thursday at the Incubator at 6:30pm. The next BYOC sunset watch event will be August 27 at Pangolin Park near Lakefront Blvd, starting at 7:15 and thanked the City and DPW for paving 5th Street between Central and Woodrow Ave.

Natalie Luczkowiak with Chautauqua County Women's Action Group advised the group will be holding a peaceful rally against hate and violence today in Washington Park.

Police Chief Ortolano stated he agrees with everything Ms. Luczkowiak stated and has no issues with it; however he would have liked to have had prior notice so that the Police Department could have been prepared.

Councilwoman Szukala advised that a peaceful rally often turns into something that it was not intended to be. Has an issue that it is on City property and there was no prior knowledge for councilmember's to sit and come up with a plan for public safety with the Police Department should something get out of hand.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Rosas thanked all of those who attended the funeral of Officer Hazelton this past week, commended Police Chief Ortolano and his staff for a job well done and advised it was very professionally conducted. Thank you to all departments that had any part in helping out.

Mayor Rosas advised the STEL project that was approved by this Council has been approved by the State and invited Tom Whitney from STEL to give a quick update.

Tom Whitney spoke on behalf of STEL and offered their condolences to the Mayor and Police Chief Ortolano on the loss of Officer Hazelton. Mr Whitney stated that STEL did get the approval from New York State Office of Housing and Community Renewal for 49 units of housing, thanked everyone for working collaboratively to get this project funded and advised there will be 29 newly constructed units and twenty rehabilitated units. Of those forty nine units, five will be 100% handicap accessible and two will be reserved for disabled veterans. STEL focused mainly on Main and Maple Avenues. The goal is to close on all the funding November 1st. The construction period will be 18-24 months.

Mayor Rosas appointed Martha Lukasik of 80 North Ocelot Street to the Dunkirk Housing Authority Board.

Councilman-at-Large Woloszyn advised the appointment of Ms. Lukasik will be received and filed.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Notice of Claim from Kimberly Collins for alleged damages to her house and van caused by stones in the street.

Councilman-at-Large Woloszyn advised he would need a motion to refer this to the Law Department.

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

Carried, all voting aye.

Request from Dunkirk Midget Football League to use the corners of Central Avenue and Fourth Street, Central Avenue and Fifth Street and West Doughty Street near the Fire Hall to conduct a "Tag Day" fundraiser on Saturday September 9, 2017 from 9:00am to 3:00pm.

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.

Request from Dunkirk High School Student Council to have 6th Street from Plover Street to Marauder Drive closed on Friday, October 6, 2017 from 3:30pm to reopen following the Homecoming parade.

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 Councilwoman Szukala.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Williams inquired to City Engineer Woodbury if there are any updates on the segmented offshore break waters or the break wall.

City Engineer Woodbury advised that there is possible good news on an extension of a break water to help the new Marina owner. For the segmented offshore breakwaters that would be another phase that we want to keep open because that would allow the Eastern part of the Marina to have boats again.

Councilman Williams inquired to City Attorney Morrisroe if he could shed any light on the City's rights as far as the rally this evening and that even though the group having the rally has the right to freedom of peaceful assembly, things should have been brought forward to the City sooner.

City Attorney Morrisroe advised, for future reference, the group should give us a call and cover the bases. It's the fear of the unknown that makes everyone a little leery. As long as the group is within the confines of Washington Park and it's contained, there is less concern.

Councilman Bamonto inquired to City Engineer Woodbury for an update on streets that are being worked on.

City Engineer Woodbury advised that a surface treatment was done on West Fifth Street from Central Avenue to Woodrow, the 300 and 400 blocks of Woodrow, Pine Street behind School #7 and the entire length of Lakeshore Boulevard from the wastewater treatment plant to Main Street.

Councilman Bamonto inquired to Director of Development Yanus for an update on the Point Gratiot and Wright Park projects.

Director of Development Yanus advised that the design phase for the Point is coming to an end and should be going out to bid shortly so construction may begin in the fall with the construction period ending this fall. Wright Park is in the design phase. It is a little further behind because of some details with the splash pad but should go out for bid after Labor Day with construction starting the end of the fall and starting back up in the spring to hopefully be completed by summer.

Councilwoman Szukala inquired to City Engineer Woodbury for an update on Hoyt Street water lines and paving.

City Engineer Woodbury advised that the water line is broken in a couple places and doesn't want to pave it and then have to dig it up again. The residents will get all new services from where we left off last year to Benton Street and then we will pave it.

Councilwoman Szukala inquired to Mayor Rosas for an update to the consent order.

Mayor Rosas deferred the question to City Engineer Woodbury.

City Engineer Woodbury advised that the consent order is going very well. He represented the City at the North County Water District last Thursday and the connection between Dunkirk and Brocton will be built within 120 days.

Councilman-at-Large Woloszyn inquired to City Engineer Woodbury when the landscaping will be done at the Benton Street water tank and if the contractor that is going to be rebuilding the Benton Street booster station is going to be doing that landscaping after the project is finished.

City Engineer Woodbury advised the contractor that will rebuild Benton Street booster station, not the tank contractor, will make the area pristine before they are done.

Councilman-at-Large Woloszyn inquired to Building Inspector Zurawski what the status is of the Third Street burnt houses.

Building Inspector Zurawski advised it was in court a couple of months ago, the owner should be taking the houses down as the deadline is sometime in September and that we will proceed from there with and the car will be taken out as well.

Councilman-at-Large Woloszyn states that there is a Finance Committee meeting at 4:00pm this Thursday.

PRE-FILED RESOLUTIONS:

**RESOLUTION #72-2017
August 15, 2017**

BY: ENTIRE COUNCIL

**AUTHORIZATION FOR CITY TO SELL ONE HALF OF UNOPENED
CARP STREET AT 625 MCKINLEY AVENUE TO DONALD & DONNA
HORTON**

WHEREAS, the City of Dunkirk ("Dunkirk") owns the one half unopened section of Carp Street that encroaches thirty-three feet (33') onto the rear part of the property of Donald and Donna Horton ("the Hortons"), at 625 McKinley Avenue, as shown in the attached survey; and

WHEREAS, after negotiations, Dunkirk and the Hortons have agreed to address the encroachment by quit claim deeding the one half unopened portion of Carp Street to the Hortons; and

WHEREAS, Dunkirk will neither lose nor gain property tax revenue by the quit claim transfer, thus making it a revenue-neutral action for the City; therefore, be it

RESOLVED, that the Dunkirk Common Council hereby ratifies and approves said Quit Claim Title Transfer, and directs the Mayor to execute said Deed between the Hortons and Dunkirk on behalf of the City of Dunkirk for the transfer to take place by the end of August, 2017.

Councilwoman Szukala made a motion to amend the Resolution. Seconded by Councilman Williams.

Carried, all voting aye. AMENDED

**RESOLUTION #72-2017
August 15, 2017**

BY: ENTIRE COUNCIL

**AUTHORIZATION FOR CITY TO RELINQUISH ANY CLAIM OF RIGHT TO
ONE HALF OF UNOPENED CARP STREET AT 625 MCKINLEY AVENUE TO
DONALD & DONNA HORTON**

WHEREAS, the City of Dunkirk ("Dunkirk") owns the one half unopened section of Carp Street that encroaches thirty-three feet (33') onto the rear part of the property of Donald and Donna Horton ("the Hortons"), at 625 McKinley Avenue, as shown in the attached survey; and

WHEREAS, after negotiations, Dunkirk and the Hortons have agreed to address the encroachment by quit claim deeding the one half unopened portion of Carp Street to the Hortons; and

WHEREAS, Dunkirk will neither lose nor gain property tax revenue by the quit claim transfer, thus making it a revenue-neutral action for the City; therefore, be it

RESOLVED, that the Dunkirk Common Council hereby ratifies and approves said Quit Claim Title Transfer, and directs the Mayor to execute said Deed between the Hortons and Dunkirk on behalf of the City of Dunkirk for the transfer to take place by the end of August, 2017.

Vote on the Resolution as amended

Carried, all voting aye.

**RESOLUTION #73-2017
August 15, 2017**

BY: ENTIRE COUNCIL

**AUTHORIZATION FOR CITY TO EXTEND WATER SUPPLY AGREEMENT
BETWEEN CITY OF DUNKIRK (SUPPLIER) & TOWN OF DUNKIRK
(PURCHASER)**

WHEREAS, the Town of Dunkirk ("Town") has purchased water from the City of Dunkirk ("City") continuously since 1973; and

WHEREAS, the parties are signatories to a Water Agreement in place since June 6, 2017; and

WHEREAS, said Agreement remains in full force and effect for a term that ends on December 31, 2017;

WHEREAS, both parties signed a new Water Purchase Supply Agreement along with several other municipalities on behalf of the North Chautauqua County Water District, wherein the City will be sole supplier to the North Chautauqua County Water District; and

WHEREAS, said North County contract shall begin upon completion of construction of necessary facilities for the newly formed Water District; and

WHEREAS, both Town and City desire extending the current water supply agreement until such time as purchases under the North Chautauqua County Water Supply agreement begins, now, therefore, be it

RESOLVED, the Mayor is hereby authorized and directed to execute all documents concerning extension of the Water Agreement between the City of Dunkirk and the Town of Dunkirk.

RESOLVED, that the Dunkirk Common Council hereby ratifies and approves said extension between the City of Dunkirk and the Town of Dunkirk.

Carried, all voting aye.

NEW BUSINESS:

**RESOLUTION #74-2017
August 15, 2017**

BY: ENTIRE COUNCIL

**AUTHORIZATION FOR CITY TO EXECUTE WATER SUPPLY LINE
EASEMENT WITH NORTH CHAUTAUQUA COUNTY WATER DISTRICT**

WHEREAS, the City of Dunkirk has signed a new Water Purchase Supply Agreement along with several other municipalities on behalf of the North Chautauqua County Water District, wherein the City will be sole supplier to the North Chautauqua County Water District; and

WHEREAS, said North County contract shall begin upon completion of construction of necessary facilities for the newly formed Water District; and

WHEREAS, the North County Water District has recently accepted a bid to construct its waterline connection from the City of Dunkirk to the Village of Brocton, and

WHEREAS, the design of the new waterline passes through a small City-owned vacant parcel on Willow Road identified as tax lot 96.09-1-15, now therefore

BE IT RESOLVED, that the Mayor is authorized and directed to execute an easement to meet the above described requirement between the City of Dunkirk and the North Chautauqua County Water District.

Carried, all voting aye.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Williams.

Carried, all voting aye.

Adjourned at 6:05 PM

Edwin Ramos, City Clerk
