

**PUBLIC HEARING
February 07, 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 #03-2017 Intro to Local Law 1-2017 to Amend Article XII, Section 12.00 of Dunkirk City Charter entitled "Appointment and Qualifications".

PUBLIC COMMENTS:

No one spoke.

Public Hearing closed at 5:26 PM

Lillian R. Divine, City Clerk

**COMMON COUNCIL PROCEEDINGS
February 07, 2017**

The meeting was called to order at 5:31 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, Public Works Director Bankoski, City Treasurer Woods, Fiscal Affairs Officer Halas, Clerk, Board of Assessors Mleczo, Personnel Administrator Heyden, Director of Development Yanus, Building Inspector Zurawski, Festivals and Special Events Coordinator Rosas, Fire Chief Edwards and Police Chief Ortolano.

Certification of Tuesday, January 17th, 2017 Common Council Meeting was read by City Clerk Divine.

RESOLVED: That the reading of Tuesday, January 17th, 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:

Mike Civileto, 138 Ruggles Street, CAC Chairman, advised that the CAC will not be having their meeting this week Wednesday as their Certified Local Government Meeting will be held at STEL instead and inquired as to who needs to be notified should the City Businesses not maintain their sidewalks during snow storms.

Public Works Director Bankoski advised that the Public Works Department does not monitor businesses but that if he sees anything to feel free to contact his office and let him know.

Mike Civileto, CAC Chairman, inquired as to the status of the Rose Floramo Rental Agreement and advised that his group is looking for some guidance for the enclosure of the Whispering Giant.

Public Works Director Bankoski asked Mr. Civileto to stop by the Public Works Department as his office has some tentative plans on file.

Councilman-at-large Woloszyn asked Mr. Civileto to provide Council with a copy of the Agreement mentioned.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Communication from Robert Harris resigning as City Historian.

Received and filed.

Communication from Mayor Rosas appointing Diane Andrasik to the position of Dunkirk City Historian, Daniel Uszacki to the Zoning Board of Appeals and Brett Lancaster to the City of Dunkirk Assessment Review Board effective February 08, 2017.

Received and filed.

Mayor Rosas thanked everyone for attending the State of the City Address, advised that he will be attending the Conference of Mayors in Albany next week and read a letter of appreciation that was addressed to himself as well as Building Inspector Zurawski from Betty Tell of 714 Main Street.

Mayor Rosas advised there will be an informational meeting on Wednesday, February 8th at STEL on 715 Central Avenue for the Certified Local Government Standards as well as provided details on what the Certified Local Government entails and that City Clerk Divine submitted a letter of resignation and will be filling a vacant Civil Service position in the City Clerk's Office and that is the reason for the vacancy of the City Clerk position.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Communication from City Clerk Divine appointing Pamela Begier as Deputy City Clerk and Deputy Registrar of Vital Statistics effective February 08, 2017.

Received and filed.

Request from Christ Chapel Wesleyan Church to hold a Sunday worship service on August 27th, 2017 at the Large Pavilion as well as approval for a bounce house and loudspeaker permit.

Councilman Williams reminded that there is a possibility of construction during this time as a reminder to anyone who is reserving a pavilion or having an event at the Park.

Councilman-at-large Woloszyn reiterated that there will be construction at both Wright Park and Point Gratiot and groups may need to be lenient in precise locations for their events.

Mayor Rosas advised Council that, as part of the bidding process, all construction should be completed by Memorial Day and in the event that it is not will be done in phases so that the Park's may still be used.

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 moved to approve. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Request from Chautauqua Striders to hold the inaugural "Kids on the Move 5k" on Saturday, June 17th, 2017 from 10:00 – 11:00 AM with the race starting and finishing on North Pangolin Street.

Councilwoman Szukala advised that during the workshop it was discussed about the route of this event not being part of the preferred City route established by the previous administration and that this event would have to change to accommodate that designated route.

Police Chief Ortolano advised that the Public Safety Committee made recommendations for an established route within the City for all road races as to not inconvenience area residence as well as require additional City personnel and that he recommends that the standard race route be used as well as that the organization provide adequate volunteers for race monitors.

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.

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

Carried, all voting aye.

Request from the Green Wave Division of the Fredonia Enactus group to hold an event for Earth Day 2017 on Saturday, April 22nd, 2017 at Washington Park.

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

Carried, all voting aye.

Loudspeaker application from Christ Chapel Wesleyan Church for a portable fender on Sunday, August 21st, 2017 from 10:30 AM until 2:30 PM at the Large Pavilion at Point Gratiot.

Loudspeaker application from Rookies on the Lake for live music, loud speakers and amplification from May 1st, 2017 through October 1st, 2017.

Loudspeaker application from Rosita Rosas for microphone, speakers and amplifiers on Saturday, July 8th, 2017 from 3:00 PM until 5:00 PM at the Large Pavilion at Point Gratiot.

Councilman-at-large Woloszyn advised that there was an error on the loudspeaker application for Christ Chapel Wesleyan Church and that it should be Sunday, August 27th, 2017 from 10:30 AM until 2:30 PM.

Councilman Bamonto moved to approve. Seconded by Councilman Williams.

Carried, all voting aye.

Notice of Claim from Angela Garigal for alleged damages to her vehicle caused by a pothole while driving on Willow Road on January 21st, 2017.

Notice of Claim from Aida Vega for alleged damages to her vehicle caused by a pothole while driving on Doughty Street near Roberts Road on January 15th, 2017.

Councilman Bamonto made a motion to refer to the City Attorney. Seconded by Councilwoman Szukala.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Williams inquired to Director of Development Yanus for an update on the Wright Park Amenities Grant.

Director of Development Yanus advised she submitted the RFP to the State for review, the Wright Park Amenities Grant should be started and completed this year and that the final plans will include a Pickleball Court.

Councilman Bamonto inquired to City Engineer Woodbury for an update on the Howard Avenue Bridge, Building Inspector Zurawski for an update on the West Third Street House and to Public Works Director Bankoski and Building Inspector Zurawski for an update on the Lucas Avenue Project.

City Engineer Woodbury provided details of the Howard Avenue Project.

Building Inspector Zurawski advised that the Third Street property is currently in litigation in City Court and hopes to be resolved soon and that the Lucas Avenue project is on hold and will not be back until spring.

Public Works Director Bankoski advised that, due to a break in weather, some work has been done and the contractors could be around more depending on weather.

Councilman Gonzalez advised the next Economic Development Meeting is scheduled for Tuesday, February 21st at 4:00 PM in the Mayor’s Conference Room and explained to Mr. Civiletto that the Landlord issue is currently being addressed and reminded that there is a Local Law stating that the Business/Homeowner is responsible for maintaining snow covered sidewalks.

Councilwoman Szukala advised the next Public Safety Meeting is scheduled for February 22nd at 4:00 PM in the Mayor’s Conference Room, advised Mr. Civiletto the Landlord policy has been previously reviewed and was decided it would be hard to enforce but thinks they are on the right track with the zombie properties and asked Mayor Rosas to network while at his conference to see about changing the regulations on individuals being able to purchase auction properties without having stepped foot into the County.

Building Inspector Zurawski advised that since New York State enacted regulations he has seen more response from bank owned properties and a lengthier process to obtain properties that go up for sale.

Councilwoman Szukala inquired to Mayor Rosas for a status update on the changing/disbanding of the DLDC.

Mayor Rosas advised that this is in the process with City Attorney Connolly and Director of Development Yanus and is hoping to have this complete as soon as possible.

Councilman-at-large Woloszyn thanked Mr. Civiletto for spearheading the Certified Local Government meetings and reminded residents that Shelter Reservations for City of Dunkirk residents started on February 1st and will start for non residents on February 15th.

UNFINISHED BUSINESS:

RESOLUTION #3-2017
JANUARY 17, 2017

BY: COUNCILMAN BAMONTO

INTRO NO. 1 TO LOCAL LAW #1-2017
CITY OF DUNKIRK, NEW YORK

A LOCAL LAW TO AMEND ARTICLE XII, SECTION 12.00
OF THE DUNKIRK CITY CHARTER
ENTITLED “Appointment and Qualifications”

BE IT ENACTED by the Common Council of the City of Dunkirk, New York, as follows:

Section 1 Intent

It is the intent of this Local Law to amend Dunkirk City Charter, Article XII, Section 12.00, to modify the required qualifications of the Fiscal Affairs Officer.

Section 2 Amendment of City Charter

Article XII, Section 12.00 of the Dunkirk City Charter, is hereby amended as follows:

DELETE:

§12.00. Appointment and Qualifications.

The Fiscal Affairs Officer shall be an independent officer of the City who shall be appointed by the Mayor with the consent of the Common Council and shall serve at the pleasure of the Mayor. The Fiscal Affairs Officer shall have a Bachelor's degree in accounting from an accredited college and have three years experience in the field of finance, budgeting and accounting.

AMEND TO:

§12.00. Appointment and Qualifications.

The Fiscal Affairs Officer shall be an independent officer of the City who shall be appointed by the Mayor with the consent of the Common Council and shall serve at the pleasure of the Mayor. The Fiscal Affairs Officer shall have a Bachelor's degree in accounting, or a related field, from an accredited college and have three years experience in the field of finance, budgeting and accounting.

Section 3 Effective Date

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

Councilwoman Szukala made a motion to remove Resolution #03-2017 from the Table. Seconded by Councilman Gonzalez.

Carried, all voting aye. REMOVED.

Vote on Resolution #03-2017:

Carried, all voting aye.

PRE-FILED RESOLUTIONS:

RESOLUTION #4-2017
FEBRUARY 7, 2017

BY: ENTIRE COUNCIL

AMEND BRUSH AND YARD WASTE POLICY

WHEREAS, the City has enacted a brush and yard waste policy whereby the City allows contractors or others, whether "for hire" or otherwise, to dispose of reasonable quantities of brush and yard waste at the location(s) designated for such purpose by the City, and upon the terms and conditions as promulgated by the City in its own discretion upon obtaining an annual permit; and

WHEREAS, such annual permit is a non-exclusive, revocable license and shall not be transferrable to any other individual, partnership, corporation or other entity and any licensees shall comply with each and every term and condition as detailed by the City and such permit shall be revocable by the City at any time; and

WHEREAS, the cost to the city to provide such service and administer the permit system has increased; now therefore be it hereby

RESOLVED, that the annual fee for a Brush and Yard Waste permit sticker, payable in full and in advance, shall increase to Three Hundred Dollars and Zero Cents (\$300.00) for the first vehicle and One Hundred Fifty Dollars and Zero Cents (\$150.00) for each additional vehicle owned and operated by the same contractor.

Carried, all voting aye.

RESOLUTION # 05 -2017
February 7, 2017

BY: COUNCILMAN WILLIAMS

AUTHORIZING BUDGET LINE MODIFICATIONS
For Fiscal Year 2017

WHEREAS, it is anticipated that some expenses will exceed their entire budgetary essentials, and it is anticipated that some appropriations will have surpluses for Fiscal Year 2017, ending December 31, 2017; now, therefore, be it

RESOLVED, that the Fiscal Affairs Officer is hereby authorized and directed to make the following modifications to the Fiscal Year 2017 budget:

Fund 1 - General Fund

Account Number	Department	Line	Change
001.1620.2005	Building-City Hall	Equipment Non-Capital	\$ 1,700
001.1620.4021	Building-City Hall	Repair /Maintenance	\$ (1,700)
		TOTAL	\$ -

Fund 1 - General Fund

Account Number	Department	Line	Change
001.1620.2005	Building-City Hall	Equipment Non-Capital	\$ 5,000
001.5142.4007	Snow Removal	Salt	\$ (5,000)
		TOTAL	\$ -

Fund 2 - Water Fund

Account Number	Department	Line	Change
002.8350.4023	Water Distribution	Repair Maintenance Vehicles	\$ 5,000
002.8350.4150	Water Distribution	Rent Lease	\$ (5,000)
TOTAL			\$ -

Councilman-at-large Woloszyn advised that there were typos with the account numbers associated with the Water Distribution Department and the Resolution will be corrected to show 002.8340.4023 & 002.8340.4150 respectively.

RESOLUTION # 05 -2017
February 7, 2017

BY: COUNCILMAN WILLIAMS

AUTHORIZING BUDGET LINE MODIFICATIONS
For Fiscal Year 2017

WHEREAS, it is anticipated that some expenses will exceed their entire budgetary essentials, and it is anticipated that some appropriations will have surpluses for Fiscal Year 2017, ending December 31, 2017; now, therefore, be it

RESOLVED, that the Fiscal Affairs Officer is hereby authorized and directed to make the following modifications to the Fiscal Year 2017 budget:

Fund 1 - General Fund

Account Number	Department	Line	Change
001.1620.2005	Building-City Hall	Equipment Non-Capital	\$ 1,700
001.1620.4021	Building-City Hall	Repair /Maintenance	\$ (1,700)
TOTAL			\$ -

Fund 1 - General Fund

Account Number	Department	Line	Change
001.1620.2005	Building-City Hall	Equipment Non-Capital	\$ 5,000
001.5142.4007	Snow Removal	Salt	\$ (5,000)
TOTAL			\$ -

Fund 2 - Water Fund

Account Number	Department	Line	Change
002.8340.4023	Water Distribution	Repair Maintenance Vehicles	\$ 5,000
002.8340.4150	Water Distribution	Rent Lease	\$ (5,000)

TOTAL \$ -

Carried, all voting aye.

RESOLUTION # 06 -2017
February 7, 2017

BY: COUNCILMAN WILLIAMS

AUTHORIZING BUDGET LINE MODIFICATIONS
For Fiscal Year 2017

WHEREAS, there is a need to make timely adjustments to the 2017 Fiscal Year to address modifications in certain line items for receipt of restricted drug enforcement funds, now, therefore, be it

RESOLVED, that the Fiscal Affairs Officer is hereby authorized and directed to make the following line item budget modifications to properly reflect needed modifications in certain line items in the Fiscal Year 2017 budget:

Fund 1 - General Fund

Account Number	Department	Line	Change
Revenue			
001.0001.2264	General Fund	Restricted Drug Enforcement	\$ 22,461.56
Appropriation			
001.3120.4240	Police-General Fund	Restricted Drug Purchase	\$ 22,461.56

Carried, all voting aye.

RESOLUTION #7-2017
FEBRUARY 7, 2017

BY: ENTIRE COUNCIL

CONSENT TO APPOINTMENT OF CITY CLERK

WHEREAS, Section 2-10.02 of the City Code provides that the City Clerk shall be appointed by the Mayor, with the consent of the Common Council; and

WHEREAS, pursuant to Section 2-10.02 of the City Code, Mayor Wilfred Rosas has appointed Edwin Ramos, 214 South Roberts Road, Dunkirk, New York, to the position of City Clerk and Registrar of Vital Statistics for the City of Dunkirk, subject to the consent of the Common Council; now, therefore, be it

RESOLVED, that Edwin Ramos, 214 South Roberts Road, Dunkirk, New York, be confirmed as City Clerk and Registrar of Vital Statistics for the City of Dunkirk, effective February 8, 2017, at the rate of Sixteen Dollars and Zero Cents (\$16.00) per hour, not to exceed thirty-two (32) hours per week.

Carried, all voting aye.

RESOLUTION # 8-2017
February 7, 2017

BY: ENTIRE COUNCIL

**SUBMISSION OF FY2014 Consolidated Annual Performance & Evaluation
Report (CAPER) TO HUD**

WHEREAS, the City of Dunkirk receives funding each year from the United States Department of Housing and Urban Development (HUD) through the Community Development Block Grant (CDBG) program, and

WHEREAS, the City develops a **CAPER** each year which outlines the city's accomplishments for the prior fiscal year, and

WHEREAS, according to the City's approved CDBG Citizen Participation Plan, the City's proposed allocations have been presented to the public and interested elected representatives via one public hearing and a thirty-day public review and comment period has been afforded to City residents until February 6, 2017, now, therefore, be it

RESOLVED, the following accomplishments will be documented in the Fiscal Year 2014 CAPER to be submitted to HUD for review on February 8, 2017:

The Boys & Girls Club Club Tech program was funded for \$10,000 and assisted 153 kids in learning computer skills such as Microsoft Office and internet research: 54% were extremely low income, 21% were low income and 11% were moderate income; 26% were Hispanic and 4% were black.

Meals on Wheels delivered 196 meals to four extremely low income residents and were awarded \$6,000: 50% male, 50% female; 50% Hispanic and 50% female head of household.

Phases I and II Environmental Assessments were done of the Mulholland Spring Building funded for a total of \$170,925.

Chautauqua Opportunities Inc. was funded for \$250,000 and had five properties under contract.

Carried, all voting aye.

RESOLUTION #9-2017
FEBRUARY 7, 2017

BY: ENTIRE COUNCIL

CONSENT TO APPOINTMENT OF FISCAL AFFAIRS OFFICER

WHEREAS, Section 2-12.01 of the City Code provides that the Fiscal Affairs Officer shall be appointed by the Mayor, with the consent of the Common Council; and

WHEREAS, pursuant to Section 2-12.01 of the City Code, Mayor Wilfred Rosas has appointed Christine M. Pinkoski, 6548 Route 5, Portland, New York, to the position of Fiscal Affairs Officer for the City of Dunkirk, subject to the consent of the Common Council; now, therefore, be it

RESOLVED, that Christine M. Pinkoski, 6548 Route 5, Portland, New York, be confirmed as Fiscal Affairs Officer for the City of Dunkirk, effective February 8, 2017, at the rate of Thirty Thousand (\$30,000.00) Dollars per year, part time, twenty-four (24) hours per week.

Councilman Williams inquired to Mayor Rosas about the residency of Ms. Pinkoski.

Mayor Rosas advised that he has had discussion with Ms. Pinkoski and it was decided that she has up to one year to make a move into the City.

Carried, all voting aye.

RESOLUTION #10-2017
FEBRUARY 7, 2017

BY: COUNCILMAN WILLIAMS

**AUTHORIZING PROFESSIONAL SERVICES CONTRACT FOR
THE JULY 4TH FIREWORKS DISPLAY**

WHEREAS, the qualified and licensed professional services company, **Zambelli Fireworks Internationale**, which has supplied quality fireworks to the City of Dunkirk in the recent prior years, proposes a fireworks show of equal quality and length at no increase in cost to that of 2016, and said company has a consecutive multi-year history of good performances with the City of Dunkirk, in the opinion of the Department of Public Works, now, therefore, be it

RESOLVED, that the Mayor be, and hereby is, authorized to execute a contract, on behalf of the City of Dunkirk, with **Zambelli Fireworks Internationale**, PO Box 1463, New Castle PA 16103-1463, in the amount of Thirty Thousand Dollars and Zero Cents (\$30,000.00) for the July 4, 2017 (rain date July 5, 2017) fireworks display, in accordance with the proposal to match last year's quality and duration of service at the same cost.

Councilwoman Szukala advised that she would not be supporting this Resolution, has not supported this in previous years and would like to see the City save money or see this money spent elsewhere throughout the City where needed.

Councilman Williams advised he was comfortable with this Resolution and that with the help of Festivals and Special Events Coordinator Rosas donations had been solicited to help offset the costs to the taxpayer with expectations of the same, if not more, for this year's display.

Mayor Rosas advised that, although budgeted for \$30,000, over \$10,000 in donations had been solicited to offset the costs so less than \$20,000 of City budget funds had been used and it is anticipated that that will happen again for this Fiscal Year.

Vote on Resolution:

Ayes: Councilman Williams, Bamonto, Gonzalez and Councilman-at-large Woloszyn.

No: Councilwoman Szukala

Carried, 4-1.

Public Works Director Bankoski, speaking as Chautauqua County Legislator of District 2, spoke about the recent article in the Observer in regards to the North County Water District and comments that were made by Village of Fredonia Personnel.

Councilwoman Szukala made a motion to meet in executive session to discuss the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof and it is expected that no new business will be conducted after the executive session is complete. Seconded by Councilman Williams.

Carried, all voting aye.

Executive Session called to order at 6:15 PM.

Councilman Gonzalez moved to adjourn the Executive Session at 6:45 PM and reconvene to the Council Meeting. Seconded by Councilman Williams.

Carried, all voting aye.

ADJOURNMENT:

Councilman Gonzalez moved to adjourn. Seconded by Councilman Williams.

Carried, all voting aye.

Adjourned at 6:46 PM

Lillian R. Divine, City Clerk
