

COMMON COUNCIL PROCEEDINGS
April 19, 2016

The meeting was called to order at 5:30 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 Brautigam, City Treasurer Woods, Fiscal Affairs Officer Halas, Public Works Director Bennice, City Engineer Woodbury, Personnel Administrator Heyden, Director of Development Beard, Building Inspector Zurawski, Clerk, Board of Assessors Mleczko, Deputy Director of Development Waite, Fire Chief Edwards and Police Chief Ortolano.

Certification of Tuesday, April 05, 2016 meeting was read by City Clerk Divine.

RESOLVED: That the reading of the minutes of Tuesday, April 5th, 2016 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

Valerie Pawlak, 10 Ruggles Street, thanked Mayor Rosas for his recent article in the Observer and recognized Deputy Director of Development Waite for her work with the Incubator as well as projects within the City. Ms. Pawlak then read a letter to Mayor and Council covering various subjects such as Millennium Parkway, paving of Route 60, land bank program and the presence of boats and old fire vehicles at the Waste Water Treatment Plant.

Loretta Slaton-Torain, 415 Mullet Street, Director of the Upward Bound Program, described the program and advised that the \$500 donation is the same procedure she has followed for donations in the past.

Nick Jones, 121 S Warsaw Street, student of the Upward Bound Program, advised the program provides the opportunities necessary for college preparation and provided statistics for program participants in regards to college preparation courses as well as college advancement.

Leslie Gomez, Dunkirk resident, advised that she has one child that completed the program who is a junior at SUNY Brockport as well as a junior in High School who currently attends and that the program is perfect for the kids and is appreciated.

Michael Morales Jr., 604 Swan Street, Junior at Dunkirk High School, advised that this program has helped boost his grades and will hopefully prepare him to proceed on to college.

Jessica Morales, 604 Swan Street, advised that this is an amazing program and her son would not be where he is academically without it.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Rosas advised that Dean Marina and Excavating should be finished with the dredging in Dunkirk by the end of this week and thanked Director of Development Beard for his work as he will be leaving his position shortly with this being his last Council Meeting.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Request from Chautauqua County Exceptional Senior All-Star Baseball/Softball Committee to use Promenschenkle Stadium on Thursday, June 16th (Friday, June 17th rain date) to host the 2016 Chautauqua – Cattaraugus Exceptional Senior All-Star Softball game.

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 Gonzalez.

Carried, all voting aye.

Request from Laurie Whitemore, Dunkirk High School Class of 2017 Advisor, for two police officers at the Moose Club for the Junior/Senior Prom on Saturday, May 14th.

Councilman Williams made a motion to refer to the PBA. Seconded by Councilman Bamonto.

Carried, all voting aye.

Request from Michelle Heenan, School 7 Principal, requesting Pine Street be closed to traffic between Serval Street and Warsaw Street on June 22nd from 8:00 AM until 2:00 PM for their end of the year picnic.

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

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

Carried, all voting aye.

Request from Betsy Dixon-Lang, on behalf of the Northern Chautauqua Soccer Association, to use the field on Pangolin Street on Monday and Wednesday evenings from April 1st until June 24th.

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 The Chautauqua Center to use Washington Park on Thursday, August 11th from 1:00 PM until 3:00 PM for their “Annual Family Fun Day.” Also requesting the presence of the Mayor, Common Council, City Clerk, City Hall Staff and a donation from the city to assist with the purchase of backpacks.

Councilwoman Szukala advised that this request is the same as last year and would like to see a policy be put in place through Councilman Bamonto's Personnel Committee for how donation requests are handled.

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.

Request from Iglesia Pentecostal y Misionera to use Washington Park for live Church Services on July 29th, August 26th and September 9th from 6:00 PM until 10:00 PM.

Councilman Williams advised that he has spoke to Mr. Melendez in regards to the time of these events and had come to an agreement that it could be changed to 5:00 PM until 9:00 PM.

Councilman-at-large Woloszyn advised a motion was needed to refer to appropriate departments, approve for the hours of 5:00 PM until 9:00 PM as well as approve subject to appropriate insurances and usual conditions.

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

Carried, all voting aye.

Councilman Gonzalez advised that since starting his time on the Council some permits have been approved no matter the time as situations have happened where it is not received early enough.

Councilman Williams advised he will probably be voting no for this and that he was not against this particular event but just wanted to be consistent with how to act when applications are not received on time.

Councilman-at-large Woloszyn advised the gallery that this discussion is in regards to the petition for "National Day of Prayer" and the policy in place advises that applications must be received 30 days prior to the event.

Loudspeaker application from Dunkirk Police Benevolent Association to use speakers at the large pavilion at Point Gratiot on June 17th from 6:00 PM until 9:00 PM.

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

Carried, all voting aye.

Loudspeaker application from Miriam Lugo-Alfaro on behalf of The National Day of Prayer to use speakers, microphones and musical equipment at the front of City Hall on Thursday, May 5th from 6:00 PM until 7:30 PM.

Councilman Williams advised that he supports the National Day of Prayer event but would just like to be consistent in how these are handled.

Councilwoman Szukala inquired if any personnel would have to stay over to turn on the electricity for the event.

Public Works Director Bennice advised that this would be taken care of for the group.

Councilman Gonzalez advised that this particular loudspeaker application was delayed in being submitted due to a late meeting between the different Churches to decide on dates/times.

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

Carried, all voting aye.

Loudspeaker application from Iglesia Pentecostal y Misionera to use microphones and speakers for church services at Washington Park on July 29th, August 26th and September 9th from 6:00 PM until 10:00 PM.

Councilman-at-large Woloszyn advised that this application will be approved to match the change in the petition with hours from 5:00 PM until 9:00 PM.

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

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Williams inquired to Public Works Director Bennice for an update on the electric pole on Main Street & 4th, Personnel Director Heyden on seasonal employee hiring and advised that his next Public Works Committee Meeting is scheduled for Wednesday, April 27th at 3:45 PM in the Mayor's Conference Room.

Public Works Director Bennice advised that the equipment needed to fix the pole is currently on backorder as they are not readily available.

Personnel Director Heyden advised that as of today the applications were advertised on the City Website and an ad will be published Thursday through Saturday in the Observer.

Councilman Williams advised that, even though it has been reported, the City is not officially approved any plans for a dog park at the Wright Park Beach area and asked Director of Development Beard to explain where the City is at with this.

Director of Development Beard advised that there have been preliminary meetings with a citizen's group that would like to sponsor it but no official action has been taken by the City.

Councilman Bamonto inquired to Public Works Director Bennice for an update on 6th Street from Woodrow to Brigham, updated on difference events happening through the Recreation Department and thanked Upward Bound and Ms. Pawlak for speaking tonight as well as Director of Development Beard for his work in the Department of Development and that he will be missed.

Public Works Director Bennice advised that area needs to ultimately be milled but will be patched the best that they can.

Councilman Gonzalez thanked Director of Development Beard for his work with the City and then asked for an update with the Wright Park Amenities Grant.

Director of Development Beard thanked City Engineer Woodbury and Deputy Director of Development Waite for their hard work with this grant, explained details about the grant then advised he is optimistic for a late spring/early summer groundbreaking and late summer/early fall ribbon cutting.

Councilman Gonzalez thanked Upward Bound for speaking and asked Public Works Director Bennice if a “street paving list” is available yet.

Public Works Director Bennice advised that there is no list available at this time, his department is currently filling potholes and is waiting for CHIPS money to come in.

Councilwoman Szukala inquired if the monies from the 7th Street Repaving Project had been received and if all contractors have been paid.

Fiscal Affairs Officer Halas advised as far as he knows all contractors have been paid and that there is paperwork that City Engineer Woodbury has to submit from last year’s CHIPS application before the final monies will be received.

Councilwoman Szukala advised she hopes to see the 4th Ward Playground construction with the \$20,000 CDBG Funds start soon and inquired to City Attorney Brautigam for an update on the BOA paperwork submission.

City Attorney Brautigam advised that he has been in contact with the necessary individuals, the paperwork is in progress and that will be completed as soon as possible.

Councilman-at-large Woloszyn spoke in regards to Common Council “workshop sessions” and how he and would like to see them come back so that confusion, such as a situation that happened last meeting, can be avoided.

Councilwoman Szukala explained the reasoning that the previous administration did away with the workshops and hopes that with the new administration any questions asked in the workshop are consistent with what is asked during the Council Meetings.

Councilman-at-large Woloszyn inquired to Mayor Rosas for an update on the Beach Hut lease agreement and thanked all the people who spoke at the privilege of the floor and to Director of Development Beard for his information and knowledge.

Mayor Rosas advised he has met with the individual who has been leasing the property for the last 5 years and that they are interested in renewing the contract.

Chief Ortolano advised that on Saturday, April 30th from 10:00 AM until 2:00 PM there will be a prescription drug drop off at the ALSTAR North Headquarters located by School #3.

Clerk, Board of Assessors Mleczo advised that May 1st is the City of Dunkirk deadline for the STAR Program for new homeowners as well as for seniors who have to submit income for the Enhanced STAR and that approximately 50 seniors have not responded.

PRE-FILED RESOLUTIONS:

RESOLUTION #45-2016

April 19, 2016

BY: ENTIRE COUNCIL

RESOLUTION AUTHORIZING CHANGE IN TENANT – CHADWICK BAY MARINA

WHEREAS, the City of Dunkirk (the “City”) entered into a contract dated July 16, 1985, whereby Metal Craft Company, Inc., was authorized to develop, construct and operate a full-service marina on the Dunkirk Harborfront, commonly known as Chadwick Bay Marina (the “Marina”); and

WHEREAS, pursuant to the terms of such Contract, the right to lease the Marina was assigned to Chadwick Bay Marina, LP; and

WHEREAS, the City later consented to the assignment of the Marina lease to Donald F. Ryan and Richard W. Ryan, and subsequently to Ryan Marine Services; and

WHEREAS, the City later approved the assignment of leasehold rights located at 30 Central Avenue, Dunkirk, New York 14048, from Ryan Marine Services, LP, to JSG Marina Holdings, LLC, and its subsequent assigns Chadwick Bay Marina Holdings, Inc. (Resolution 54-2011); and

WHEREAS, the City later approved the assigned of the Lease interest currently held by Ryan Marine Services, LP to JSG Marina Holdings, LLC, or an entity to be formed with the same principal ownership (Resolution 88-2011); and

WHEREAS, the City later authorized a Landlord Consent with Loeb Term Solutions, LLC (“Loeb”) in order for Chadwick Bay Marina Holdings, Inc. (“Chadwick”), the successor to JSG Marina Holdings, LLC, to re-structure its ownership participation, which consent allowed the creation of a security interest by Loeb in regard to certain Collateral at the Marina; and,

WHEREAS, Chadwick desires to be released from its obligations with the City, as part of a transfer of ownership and control of the Marina, as well as other waterfront assets of Chadwick (including but not necessarily limited to property commonly known as Stefan’s Marina (“Stefan’s”) to Charles Pringle and described as follows: All that parcel inside the existing marina fence westerly of the Clarion and easterly of the Boardwalk and a distance of 1-foot easterly from the westerly fence, 1-foot northerly from the southerly fence, and 1-foot westerly from the easterly fence, and reserving a 30 foot strip along the northerly side adjacent to and southerly from the lake wall for the City pedestrian and bike path. Together with easement rights through said pedestrian and bike path for the new marina owner to travel through but to keep clear; and,

WHEREAS, Charles Pringle desires to enter in to a Lease for the Marina; and,

WHEREAS, it is in the best interests of the residents and taxpayers of the City for Chadwick to be released from its obligations contingent upon and subject a lease for the operation of the Marina to be contemporaneously entered into by and between the City and Charles Pringle; now, therefore, it is

RESOLVED, that the Mayor be and hereby is authorized and directed to execute the required documents to terminate the duties and obligations of Chadwick Bay Marina Holdings, Inc. in regard to the Marina, contingent upon and subject a lease for the operation of the Marina to be contemporaneously entered into by and between the City and Charles Pringle; and, it is further

RESOLVED, that the Mayor be and hereby is authorized and directed to execute the required documents to enter in to a Lease with Charles Pringle for operation of the Marina, contingent upon and subject to a termination of the duties and obligations of Chadwick Bay Marina Holdings, Inc. in regard to the Marina to be contemporaneously entered into by and between the City and Chadwick Bay Marina Holdings, Inc.

Councilman Williams advised he feels this is a great change for the City.

Councilwoman Szukala advised that she has been waiting for this to happen, thanked everyone involved who brought this forth and hopes to see significant changes on the waterfront within the next few years.

Carried, all voting aye.

RESOLUTION #46-2016

April 19, 2016

BY: ENTIRE COUNCIL

TRANSFERRING FUNDS FROM THE WILLIAM CEASE FUND

WHEREAS, the William Cease Fund (the "Fund") was created to support youth activities within the City of Dunkirk; and

WHEREAS, the Fund currently has the funds available and designated for youth use in a reserve account; and

WHEREAS, the Upward Bound program at the Fredonia State University provides positive educational and recreational activities for many City youth has requested financial assistance from the City through the fund, now, therefore, be it

RESOLVED, that a transfer not exceeding One Thousand Dollars and Zero Cents (\$1,000) be withdrawn from the William Cease Fund account in accordance with the terms of the reserve fund to contribute to the Upward Bound Program, and, be it finally

RESOLVED, that the Fiscal Affairs Officer and the Treasurer's office make the following entries on the ledger of this city to accommodate the City's share of this project:

<u>ACCOUNT NO.</u>	<u>LINE</u> <u>DECREASE</u>	<u>INCREASE</u>
001-7140-4172	Upward Bound Program	\$1,000.00
001-0001-5031	Inter-fund Transfer	\$1,000.00
070-0070-2403	Reserve/Youth Programs	\$1,000.00
070-0070-9901-9000	Transfer to General Fund	\$1,000.00

The following journal entries will be recorded upon approval:

070-0070-0200-2016	Cash		\$1,000.00
070-0070-9901-9000	Transfer to General Fund	\$1,000.00	
001-0001-0200-0216	Cash	\$1,000.00	
001-0001-5031	Inter-fund Transfer		\$1,000.00

Councilman Williams thanked everyone for speaking, feels this is a great program and hopes this Resolution passes.

Councilwoman Szukala advised the monies donated for this Fund have usually been smaller for groups and larger to cover costs of equipment and would like to see a policy in place so that all groups will be treated equally.

Councilman Bamonto advised that he would like to see any monies that are to come out of this Fund be brought through the Youth and Recreation Board before for their recommendation being brought forward to Council.

Carried, all voting aye.

RESOLUTION # 47-2016
APRIL 19, 2016

BY: THE ENTIRE COUNCIL

**AUTHORIZING EASEMENT MODIFICATION FOR WATERLINE
(Southerly of Seel Acres)**

WHEREAS, the City of Dunkirk has a 15-foot easement for a waterline to be constructed and maintained on Niagara Mohawk property southerly of properties on Seel Acres in the City of Dunkirk; and

WHEREAS, the attorney for a Seel Acres property owner has secured a modification agreement for widening of this easement to 20 feet; and

WHEREAS, the City Department of Public Works recommends this easement widening to benefit the City of Dunkirk; now therefore be it

RESOLVED, that the Mayor is directed and authorized to execute any and all documents necessary for modifying this waterline easement as described above.

Carried, all voting aye.

NEW BUSINESS:

Councilwoman Szukala made a motion to open up the RFP for the Wright Park Licensing Agreement starting for Season 2016. Seconded by Councilman Williams.

Carried, all voting aye.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez

Carried, all voting aye.

Adjourned at 6:25 PM

Lillian Divine, City Clerk
