

COMMON COUNCIL PROCEEDINGS
May 2, 2017

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 Connolly, City Treasurer Woods, Fiscal Affairs Officer Pinkoski, Public Works Director Bankoski, City Engineer Woodbury, Clerk, Board of Assessors Mleczko, Personnel Administrator Heyden, Executive Assistant to the Mayor Westling, Director of Development Yanus, Building Inspector Zurawski, Fire Chief Edwards and Police Chief Ortolano.

Certification of the Tuesday, April 04th, 2017 Common Council Meeting was read by City Clerk Ramos.

RESOLVED: That the reading of Tuesday, April 04th, 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.

PUBLIC COMMENTS:

William Reardon, 3 Fairview Avenue, thanked those responsible in “concluding” to maintain Fairview Avenue as a residential area. He spoke in favor of keeping the area “residential” for the people who in the future will move into that area as new businesses come to the Dunkirk area.

Mike Civilleto, 138 Ruggles Street, thanked the Development Department for their Community Clean-Up Day of Saturday April 29th. He stated lots of trash was collected. He voiced concern over the amount of trash and type of trash collected around the Robert’s Road Warehouse and along the Millennium Driveway. He informed that the County owns the area and they should be responsible for getting it “shovel ready” or make it a brownfield area. He stated the city has lost-out on new development because the site is not “shovel ready”. He advised the council to consider drawing up a Resolution to ask the County to brownfield the area and maintain it for the safety of local residents, fire fighters, and police officers.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Rosas advised the BOA is giving its final presentation on the Phase II study on May 17th at 6PM at the SUNY Fredonia Incubator. He encouraged residents, groups and organizations to attend and give their input.

Mayor Rosas thanked Councilman Bamonto, Councilman Gonzalez, residents, groups and organizations for their help in the city’s first annual Community Clean-up Day. He thanked Pizza Wings & Things and Tim Hortons for their donations toward the event.

Mayor Rosas advised that he recently made contact with the Division of Budget of New York State and was informed the Financial Structuring Board plans to be here by the end of the month.

Mayor Rosas thanked Director of Development Yanus and her department for their efforts in trying to bring the Cold Storage Warehouse Project into the City of Dunkirk. He advised there was no intent to disrupt the neighborhood with that development. He advised that the city will continue to work with the residents to bring a development that is agreeable to the residents.

Mayor Rosas responded to Mr. Civelletto's earlier concern that we need development sites to be "shovel ready". Mayor Rosas advised he has already contacted the County Executive and County IDA to address the issue of getting that site "shovel ready" so we are ready for future opportunities.

Director of Development Yanus spoke on the Dunkirk Farmers Market. She provided details on the Double-up Food Bucks Grant that the city has been chosen to participate for the 2017 season. The program is scheduled to begin Wednesday June 14 through the end of October at the Dunkirk Senior Center.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Communication from City Clerk Ramos appointing Lillian R. Divine as Deputy City Clerk and Deputy Registrar of Vital Statistics effective May 03, 2017

Received and filed.

Request from the National MS Society to use Point Gratiot as a rest stop for its cyclist's on August 5th between 6:30 AM until 10:30 AM. Also requesting permission to set up a tent, tables, and chairs.

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 moved to approve. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Request from Cynthia Karnes to use Promenschenkle Stadium and Kock's Field on Saturday July 8th from 8:00 AM until 10:00 PM; also requesting permission for a food vendor for the annual "Joe Karnes Memorial Co-Ed Softball Tournament".

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 moved to approve. Seconded by Councilman Williams.

Carried, all voting aye.

Request from Harvest Chapel Church to use Washington Park on July 14th (Rain date July 21st) from 5:00 PM until 8:30 PM for a Community Block Party and Carnival, as well as, permission to bring in ponies for pony rides.

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 moved to approve. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Loudspeaker application from Scott Mekus on behalf of the Marauder Trotter 5K Run/Walk to use speaker system, microphone, and music at Wright Park on Saturday, July 1st from 8:30 AM until 12:00 PM.

Loudspeaker application from Lauren Klenosky on behalf of the Alzheimer's Association, WNY Chapter to use speakers and microphone at Point Gratiot on Saturday, September 9th from 8:30 AM until 12:30 PM.

Loudspeaker application from Lisa Leavitt on behalf of Harvest Chapel Church to use audio equipment, microphone and speakers at Washington Park on July 14th from 4:30 PM until 8:30 PM.

Loudspeaker application from Karen Payne on behalf of the Dunkirk Elk's #922 to use amplifier, speaker, and microphone at the Dunkirk Lighthouse on Wednesday June 14th from 6:00 PM until 8:00 PM for a Flag Day ceremony.

Loudspeaker application from the Clarion Hotel from May 1st through October 1st for Outside Bands.

Councilman Williams moved to approve loudspeaker applications as a group. Seconded by Councilman Bamonto.

Carried, all voting aye.

Notice of Claim from Sandra Marcin for alleged damages to her vehicle due to a pothole while driving on Lake Shore Drive and Main Street on April 2, 2017.

Notice of Claim from Maria Jakubiec for alleged damages to her vehicle due to a pothole while driving on MaiN Street and Route 5 on April 2, 2017.

Notice of Claim from William L. Donaldson for alleged damages to his vehicle due to a Notice of Claim for damages allegedly sustained due to a clogged main sewer pipe on pothole while driving on Lake Shore Drive and Main Street intersection on March 31, 2017.

Notice of Claim from Thomas W. Loughlin for damages allegedly sustained due to a clogged main sewer pipe on April 6, 2017.

Councilman Williams made a motion to refer the notice of claims as a group to the City Attorney. Seconded by Councilman Bamonto.

Carried, all voting aye.

Notice of Verified Petition for a Judgement pursuant to CPLR Article 78.

Received and filed.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Williams inquired of Public Works Director Bankoski if it was possible to get a round grate on a drain they spoke about yesterday on Moffat Street instead of a manhole cover to help drain some of the water that has been backing up into yards due to all the rain, and inquired of Public Works Director Bankoski if he could help push in the county legislation the cleanup to help bring down some of the buildings that Mr. Civalleto addressed earlier in this meeting.

Public Works Director Bankoski advised that he is planning to take the maintenance mechanic to Moffat Street tomorrow to see if a cover can be fabricated; and as Chautauqua county Legislator of District 2 he described two projects the County IDA has coming that will help make some improvements on the property in question.

Councilman Bamonto advised the next Personnel Meeting is scheduled for Monday, May 8th at 4pm in the Mayor's Conference room and that he and Councilman Gonzalez participated in the Community Clean-up Day event on Saturday. Councilman Bamonto thanked Development Director Yanus and her staff for spear heading the well-attended event.

Councilman Gonzalez advised there was an Economic Development Meeting today in which they had a presentation on the Rose Falermo Plan, discussed the Dog Park, and an upcoming tournament. He also advised in regards to the building on Robert's road he has the same concerns as Mr. Civalleto and hopes Public Works Director Bankoski is successful in addressing the problem in his role as a county legislator.

Councilman Gonzalez inquired to Fire Chief Edwards regarding a recent tree accident and the lack of communication with the victim due to a language barrier. Councilman Gonzalez suggested the need for a Spanish speaking fireman or paramedic or someone who would be able to communicate with the large percentage of minority population before someone dies because they do not understand the person who is trying to save them.

Fire Chief Edwards advised he had not received any negative reports regarding the accident but would check further into the incident.

Councilwoman Szukala advised she was disappointed in the City's loss of the Cold Storage Warehouse Project, but more disappointed that the city did not have another site that met the specifications and hopes we will have some shovel ready sites for the next opportunities that come along.

Councilwoman Szukala advised she has received several calls from Lord Street residents complaining the receivers are clogged, requested Public Works Director Bankoski to see if he could get the receivers looked at from Tenney Street down to Courtney Street on Lord Street, advised the next Public Safety Meeting is scheduled for May 10 at 4 PM and requested Fire Chief Edwards to look into how the city can get the proper permit to burn wood on the beach under ceremony and celebratory rules and regulations in NYS.

Public Works Director Bankoski advised he sent four workers to address the problem yesterday. It appears residents are blowing their grass clippings and tree leaves onto the curbs and streets which creates the problem whenever there are heavy rains and that yes he would like to sit down with the council sometime to discuss this city wide reoccurring issue.

Fire Chief Edwards advised he will bring to the next Public Safety Meeting what information he has on permits for burning wood on a beach.

Councilman-at-large Woloszyn advised he had nothing to report at this time.

PRE-FILED RESOLUTIONS:

RESOLUTION #22-2017

MAY 2, 2017

BY: ENTIRE COUNCIL

AUTHORIZING PARTICIPATION IN BORDER PATROL AUGMENTATION PROGRAM

WHEREAS, the County of Chautauqua has received certain grant funds in order to enhance law enforcement preparedness and operational readiness, along the borders of the United States among federal, State, local and tribal enforcement agencies; and

WHEREAS, the County of Chautauqua, through Resolution No. 137-13, is authorized to enter into an agreement with the City for such border patrol augmentation services for the period September 1, 2016 through September 30, 2017, with payment in an amount not to exceed Ten Thousand Dollars and Zero Cents (\$10,000.00), for overtime wages, and an amount not to exceed Three Thousand Five Hundred Dollars and Zero Cents (\$3,500.00), for fringe benefits; and

WHEREAS, the City is ready, willing and able to provide such augmented border patrol services, through overtime details on land and on water, in the form of roving patrols, surveillance of marinas and crewing of Sheriff's Office boats; now, therefore, be it

RESOLVED, that the Mayor, Wilfred J. Rosas, is hereby authorized to execute contracts and agreements with the County of Chautauqua, for the City to provide augmented border patrol services through overtime Police Department details on land and on water, in the form of roving patrols, surveillance of marinas and crewing of Sheriff's Office boats, for the period September 1, 2016 through September 30 2017; and, be it finally

RESOLVED, that the Fiscal Affairs Officer and City Treasurer be directed to record these funds as follows:

Stone Garden Grant Account No. 001-0001-2288; and, further

Reimburse Police Department appropriation line:

Overtime Account No. 001-3120-1001,

as such funds are received from the County of Chautauqua.

Carried, all voting aye.

RESOLUTION #23-2017

May 2, 2017

By: ENTIRE COUNCIL

**AUTHORIZING MAYOR TO EXECUTE AGREEMENT WITH
CHAUTAUQUA COUNTY FOR STOP-DWI PROGRAM**

WHEREAS, the City has participated in the STOP-DWI Program with Chautauqua County for several years, and

WHEREAS, the County has requested that the City execute an agreement to participate with the program for the term from January 1, 2017 to December 31, 2018, and

WHEREAS, the County will reimburse the City, a sum not to exceed an amount equivalent to forty percent (40%) of the total of fines levied and paid to the City of Dunkirk Court resulting from the arrest and prosecution of DWI and related offenses, now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to execute the Agreement, on behalf of the City of Dunkirk, with the County of Chautauqua, for the City's participation in the STOP-DWI Program for the term January 1, 2017 through December 31, 2018.

Carried, all voting aye.

RESOLUTION # 24 -2017

May 2, 2017

BY COUNCILMEN Adelino Gonzalez and Donald Williams Jr.:

**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 |
|--------------------------|-------------------|-----------------------|---------------|
| 001.7550.4509 | Celebrations | Flags & Memorial Day | \$ 2,000 |
| 001.1900.1990 | General Services | Contingency Allowance | \$ (2,000) |
| (New flags not budgeted) | | TOTAL | \$ - |

| Account Number | Department | Line | Change |
|-----------------------|------------------------|-------------------------|---------------|
| 001.1640.4002 | Central Garage | Supplies | \$ 1,435 |
| 001.8160.4023 | Refuse and Garbage Col | Repair & Maint Vehicles | \$ (1,435) |
| | | TOTAL | \$ - |

| Account Number | Department | Line | Change |
|--------------------------------------|---------------------|------------------------------|---------------|
| Revenue | | | |
| 001.0001.2705.7060 | General Fund | Gifts and Donations - Police | \$ 1,400.00 |
| Appropriation | | | |
| 001.3120.4538 | Police-General Fund | SWAT Equipment | \$ 1,000.00 |
| 001.3120.4439 | Police-General Fund | K-9 Expenses | \$ 400.00 |
| (Earmarked funds received (4/18/17)) | | TOTAL | \$ - |

| Account Number | Department | Line | Change |
|-----------------------|----------------------------|-------------------------|---------------|
| 001.8170.4023 | Street Cleaning Operations | Repair & Maintenance | \$ 540 |
| 001.8160.4023 | Refuse and Garbage Col | Repair & Maint Vehicles | \$ (540) |
| | | TOTAL | \$ - |

| Account Number | Department | Line | Change |
|-----------------------|---------------------|---------------------|---------------|
| 001.8020.4036 | Dept of Development | Contracted Services | \$ 400 |
| 001.8020.4001 | Dept of Development | Travel & Training | \$ (400) |
| | | TOTAL | \$ - |

| Account Number | Department | Line | Change |
|-----------------------|---------------------|--------------|---------------|
| 001.8020.4002 | Dept of Development | Supplies | \$ 175 |
| 001.8020.2000 | Dept of Development | Equipment | \$ (175) |
| | | TOTAL | \$ - |

Fund 2 - Water Fund

| Account Number | Department | Line | Change |
|-----------------------|---------------------------|-------------------|---------------|
| 002.8340.4001 | Water Distribution System | Travel & Training | \$ 300 |
| 002.8340.4125 | Water Distribution System | Water Main Maint | \$ (300) |

(discussed w/ Bob - required training) **TOTAL** \$ -

Fund 3 - Water Fund

| Account Number | Department | Line | Change |
|-----------------------|----------------------|-------------------|---------------|
| 003.8130.4001 | Wastewater Treatment | Travel & Training | \$ 100 |
| 003.8130.4021 | Wastewater Treatment | Repair/Maint | \$ (100) |
| TOTAL | | | \$ - |

(discussed with Bob – required training)

Carried, all voting aye.

RESOLUTION # 25-2017
MAY 2, 2017

BY: COUNCILMAN BAMONTO

**AUTHORIZING CONTRACT FOR
WEST HOWARD AVENUE CULVERT REPLACEMENT
AND FIRST INSTANCE FUNDING**

WHEREAS, a project for the W. Howard Ave Culvert Replacement, P.I.N. 5762-21, (the project) under Title 23, U.S. Code, as amended, calls for the apportionment of the costs of such program to be borne at the ratio of 0% Federal funds and 100% state funds; and

WHEREAS, the City of Dunkirk desires to advance the project by making a commitment of 100% of the state share of the costs of \$750,000.00; and

WHEREAS, the NYS-DOT will reimburse the city for said costs as the project progresses; and

WHEREAS, any costs in excess of \$750,000.00 are expected to be covered by CHIPS funding; now therefore be it

RESOLVED, that payment of the first instance funding for 100% of the Federal and state share in the amount of \$750,000.00 is authorized; and be it further

RESOLVED, that the City of Dunkirk shall be responsible for all costs of the project which exceed the amount of the NY Bridge Funding awarded to the City of Dunkirk; and be it further

RESOLVED, that the sum of \$750,000.00 is hereby appropriated and made available to cover the cost of participation in the above phase of the project; and be it further

RESOLVED, that the full Federal and non-Federal share costs of the project exceeds the amount appropriated above, the City of Dunkirk shall convene as soon as possible to appropriate said excess amount immediately upon the notification by NYS-DOT thereof; and be it further

RESOLVED, that construction of the project shall begin no later than eighteen (18) months after award and that the project shall be completed within three (3) years of commencing construction; and be it further

RESOLVED, that the Mayor be, and hereby is, authorized to execute all necessary agreements, certifications or reimbursement requests for Federal aid and/or State aid on behalf of the City of Dunkirk with the New York State Department of Transportation in connection with advancement or approval of the Project and providing for the administration of the Project and the City's first instance funding of Project costs and permanent funding of the local share of Federal aid and State aid eligible Project costs, and all Project costs within appropriations therefor that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it finally

RESOLVED, that this Resolution shall take effect immediately.

Carried, all voting aye.

RESOLUTION # 26-2017
MAY 2, 2017

BY: ENTIRE COUNCIL

**RATIFICATION OF AGREEMENT BETWEEN THE
CITY OF DUNKIRK AND THE
DUNKIRK POLICE BENEVOLENT ASSOCIATION FOR
JANUARY 1, 2016 TO DECEMBER 31, 2019**

WHEREAS, the City of Dunkirk and the Dunkirk Police Benevolent Association ("PBA") have been involved in labor negotiations to reach an agreement on a new Collective Bargaining Agreement to replace the previous Collective Bargaining Agreement between the parties which expired on December 31, 2015; and

WHEREAS, after negotiations, the City and the PBA have signed a Memorandum of Agreement regarding said proposed contract; and

WHEREAS, the Civil Service Law requires that this Common Council review and vote upon the issue of ratification of the proposed Collective Bargaining Agreement, now, therefore, be it

RESOLVED, that the Dunkirk Common Council hereby ratifies and approves said Collective Bargaining Agreement and directs the Mayor to execute said agreement between the City and the PBA, on behalf of the City of Dunkirk for the years 2016 through 2019.

Councilman Bamonto advised he would be voting “yes” and thanked the Mayor, the Mayor’s team, and the PBA Representatives for their countless hours of negotiations.

Carried, all voting aye.

NEW BUSINESS:

RESOLUTION #27-2017
May 2, 2017

By: ENTIRE COUNCIL

AUTHORIZING MAYOR TO EXECUTE WRIGHT PARK LAKESIDE SOD AGREEMENT

WHEREAS, the softball field at Wright Park requires maintenance, and

WHEREAS, there is a need to purchase new infield mix for the softball field, and

WHEREAS, the Department of Development has made documented contacts with three vendors, Lakeside Sod, Batavia Turf, and Rich Sports Fields, but has received only one quote, from Lakeside Sod, and

WHEREAS, of the three vendors, only Lakeside Sod offers a product that will work with our current field without the use of field conditioning agents, which would lead to additional expense, and

WHEREAS, City labor will be used to install the product and as such this is a purchase contract, and

WHEREAS, there is the potential for reimbursement or matching funds from the Wright Park Amenities Grant for this portion of the project, and

WHEREAS, Lakeside Sod is ready, willing, and able to provide a sufficient amount of infield mix to complete the project for the sum of \$8089.25, and

WHEREAS, in the judgment of the Department of Development, it would be in the City’s best interests to purchase the material from Lakeside Sod, now, therefore, be it

RESOLVED, that the City shall obtain the materials necessary for this project from Lakeside Sod for an amount not to exceed \$8089.25, and it is further

RESOLVED, that the appropriations for these purchases shall be posted to Account No. 7110.4021, and be it finally

RESOLVED, that the Mayor is authorized and directed to sign all necessary agreements for the purchase of the materials for this project in an amount not exceeding \$8089.25.

Carried, all voting aye.

RESOLUTION #28-2017
May 2, 2017

By: ENTIRE COUNCIL

AUTHORIZING REQUEST FOR PROPOSALS FOR CITY INSURANCE POLICY

WHEREAS, the City of Dunkirk’s policy of liability insurance is expiring on July 8, 2017, and

WHEREAS, there is therefore an opportunity for the City of Dunkirk to save money on the renewal of the insurance policy, now, therefore, be it

RESOLVED, that the City of Dunkirk Common Council hereby authorizes the City to issue a Request For Proposals for Municipal Liability Insurance.

Carried, all voting aye.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Adjourned at 6:07 PM

Edwin Ramos, City Clerk
