

COMMON COUNCIL PROCEEDINGS
May 16, 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, Gonzalez, Councilwoman Szukala and Councilman-at-Large Woloszyn.

Also present: Mayor Rosas, City Attorney Connolly, City Treasurer Woods, Board of Assessors Mleczo, Clerk, Fiscal Affairs Officer Pinkoski, Building Inspector Zurawski, Personnel Administrator Heyden, Executive Assistant to the Mayor Westling, Public Works Director Bankoski, City Engineer Woodbury, Director of Development Yanus, Festivals & Special Events Director Rosas, Fire Chief Edwards and Police Chief Ortolano.

Councilman-at-Large Woloszyn excused Councilman Bamonto from tonight's meeting.

Certification of the Tuesday, May 2, 2017 Common Council Meeting was read by City Clerk Ramos.

RESOLVED: That the reading of Tuesday, May 2, 2017 Common Council Meeting be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

Mike Civilletto, 138 Ruggles Street, spoke with concern that the city is going to spend money to replace the roof on the Historical Society. He advised the city does not have the responsibility of replacing the roof and is unaware of them spearing any capital projects or fund raisers for roof repairs in the past. He advised they have refused to move to other buildings offered. Should the group give up their lease, then the lease would fall back to the city. He advised the group has refused to move to other buildings that have been offered and would better suit the needs of a museum.

Ryan Corbett, 121 S. Ocelot Street, Historical Society member, spoke in favor of the City Building Roof repair project. He thanked the Council and Mayor for the funds the city has provided the last few years. He advised the City's assistance made it possible to stay in the building a few more years. He advised the building does not suit all the needs of the museum, but if fixed, it would make it possible to stay a few more years until a better option is found.

James Muscato, 280 Lake Shore Drive West, advised to Public Works Director Bankoski the ties and rails at the railroad crossing that lead into NRG are lifting every time a vehicle goes over it. He inquired if Public Works Director Bankoski could contact CSX to repair it since it's a safety issue.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Rosas reminded the public and those present that tomorrow is the final public presentation for the results of the study for the Brownfield Opportunity Area and asked Development Director Yanus to give details.

Development Director Yanus advised the meeting will be held at 6:00 PM at the SUNY Incubator. They will be going over the fifteen BOA sites, the different projects and recommendations them, and that study has turned into a mini economic development plan for the Waterfront and Central Business District.

Mayor Rosas advised the council that last month he went to Albany and had the privilege of meeting the Commissioner of NY State Office of Alcoholism and Substance Abuse Services. At that time he invited Commissioner Arlene Gonzalez-Sanchez to visit the City of Dunkirk. She took him up on the invitation and attended yesterday's Round Table discussion related to the opiate issue we have in the City of Dunkirk. and was impressed with the amount of support there was at the meeting to open an Opiate Clinic in the City of Dunkirk.

Mayor Rosas acknowledged the presence of the Superintendent of Dunkirk Public Schools Dr. Tracy, the Principal of the Dunkirk Middle School Ms. Russo, and Dunkirk Middle School Social Studies Teacher Mr. Corbett for the presentation of awards to the winners of the Statewide Essay Contest for Eighth Graders sponsored by the City of Dunkirk as part of the New York State Conference of Mayors (NYCOM) addressing the topic, "If I Were Mayor, I Would..." The three winners are

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- 3rd Place-Anthony Morales
- 2nd Place-Camron DeJesus
- 1st Place-Justus Bowen

Mayor Rosas named 3rd Place winner Anthony Morales and 2nd Place winner Cameron DeJesus "Honorary Councilmen" for tonight's Common Council meeting, administered the Oath of Office and had them take their seats with the Common Council. The Mayor advised Jutsus Bowen would be joining the Mayor all day on May 19th, 2017 as "Honorary Mayor" and administered his Oath of Office.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Request from Dunkirk High School for two police officers to be present at their junior-Senior Prom on Saturday, June 3, from 8:00 PM until 12:00 AM, at the Dunkirk Moose Club.

Councilman-at-Large Woloszyn advised a motion was needed to refer to the Dunkirk Police Department and the PBA.

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

Carried, all voting aye.

Request from the County Exceptional Senior All-Star Baseball / Softball Committee to use Promenschenkel Stadium on Monday, June 12, 2017 (rain date Tuesday, June 13, 2017) to host the 2017 Chautauqua-Cattaraugus Exceptional Senior All-Star Softball games.

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 Gonzalez.

Carried, all voting aye.

Request from Heather Flores and Tamara Racino to hold free POUND classes (group fitness) at Memorial Park on Thursday, June 8th from 5:15 PM until 7:15 PM, Wright Park basketball courts on Friday, July 14th from 8:15 AM until 10:15 AM, and Point Gratiot on Thursday, August 3, 2017 from 5:15 PM until 7:15 PM.

Councilwoman Szukala advised the June 8th request falls on the same evening as the City's first Music on the Pier event for theseason and suggested the location or date for the POUND class be changed to avoid parking problems and loudspeaker interference.

Councilman-at-Large Woloszyn asked City Clerk Ramos to contact the individuals listed in the request to discuss a change in venue or date for the June 8th request.

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 Gonzalez.

Carried, all voting aye.

Request from Special Olympics New York and The Law Enforcement Torch Run to use city streets on Wednesday, May 31, 2017 between 9:00 AM and 9:30 AM.

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 Bryant Watts on behalf of the Dunkirk Fast Pitch Softball Travel Team to use Promenschenkel Stadium on Saturday, June 10, 2017 from 8:30AM until 8:30 PM for their modified softball tournament.

Councilwoman Szukala advised the council can only give permission for the city field, cannot give permission for use of the School #7 softball field listed in the request and the individual will need to contact the school for that portion of the request.

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 Gonzalez.

Carried, all voting aye.

Loudspeaker application from Demetris on the Lake to use speakers and live music from May 28, 2017 through September 15, 2017.

Loudspeaker application from Iglesia Cristiana Del Alma Inc. to use speakers, microphones, and instruments for an outdoor church service on June 23, 2017 from 5:00 PM until 9:00 PM at 89 6th Street.

Loudspeaker application from Monica Kemp to use DJ equipment on July 8, 2017 from 7:00PM until 11 PM at the Dunkirk Lighthouse.

Loudspeaker application from Don Williams Jr. to use loud speakers and outdoor band on August 13, 2017 from 3:00 PM until 5:00 PM at Hose 4 Grounds.

Loudspeaker application from Tamara Racino and Heather Flores on behalf of the Elevation Combat Sports Academy to use speaker at Memorial Park on Thursday, June 8th from 5:15 PM until 7:15 PM, Wright Park basketball courts on Friday July 14th from 8:15 AM until 10:15 AM, and Point Gratiot on Thursday, August 3, 2017 from 5:15 PM until 7:15 PM.

Loudspeaker application from Brenda Kawski to use speakers and microphone on June 3, 2017 from 4 PM until 6 PM at the Large Pavilion at Point Gratiot.

Councilman-at-Large Woloszyn asked City Clerk Ramos to contact the individuals listed in the Elevation Combat Sports Academy loudspeaker application and request they change the venue or date for the June 8th request.

Councilman Williams made a motion to approve the loudspeaker applications. Seconded by Councilman Gonzalez.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Williams advised the next DPW Committee meeting will be held on May 23, 2017 at 4:00 PM in the Mayor's Conference Room, reminded city residents that today is the School Board budget vote, commented he has seen the repairs the Historical Society building needs and is in full support of putting a new roof there and asked Public Works Director Bankoski for an update on a crate on Moffat Street.

Public Work Director Bankoski advised the crate was taken care of late last Saturday.

Councilman Gonzalez advised the next Economic Development Committee Meeting will be held on June 20, 2017, has been receiving calls every day regarding pot holes, inquired to Public Work's Director Bankoski where the pothole repair team has been working, and is happy the Historical Society will be receiving a new roof with hopes they will now be able to focus on fixing the building's interior. Councilman Gonzalez asked Chief Ortolano if the Police Department could enforce any code against raking leaves and grass clippings into the streets which is creating clogged city drains and receivers.

Public Works Director Bankoski advised where the street paving team worked last week, is working this week and will be working next week, reminded that the City has only one truck for street paving so it will take time to get to all the streets that need repair. Public Works

Director Bankoski advised that, in regards to the raking of leaves and grass clippings into the street, this is the same problem that was discussed at the last council meeting and at that time he requested to meet with the council to further discuss the issue but a date still has not been scheduled.

Councilwoman Szukala commended the Mayor for coming up with a plan to address the roof problem at the Historical Society Building, asked the Mayor to keep council updated on any progress made regarding a site for a drug treatment facility in the city and asked Public Work's Director Bankoski for an update on the recent drainage problem with the receivers along streets near Lord Street. Councilwoman Szukala asked Police Chief Ortolano to comment on the parking and traffic issues discussed at the last couple Public Safety Committee Meetings and informed Building Inspector Zurawski and Mayor Rosas of information packets she compiled for them regarding a rental property with lead paint issues and would like to know the status of three other properties with issues by the next council meeting.

Public Works Director Bankoski advised the receivers are working right now but still wants to look at some of the receives on Lord Street.

Police Chief Ortolano advised he reached out to the school regarding the parking and traffic issues that arise along Lucas Avenue near the school whenever there are sport games. They have come up with some short term solutions. The school will inform the police when games are scheduled so a police car can be in the area to assure the public parks on the correct side of the street, directs the public to parking lots and that buses park off Lucas Avenue.

Councilman-at-Large Woloszyn advised there will be a Finance Committee Meeting this Thursday, May 18, 2017 at 4:00 PM and spoke in favor of fixing the Historical Society roof. It may not be the city's responsibility to fix the roof at this time, but it will be when the Historical Society moves out of the building. The damage and cost to repair will be much more expensive down the road. This Council and Mayor are trying to address problems that have been neglected over years of administrations.

PRE-FILED RESOLUTIONS:

RESOLUTION #29-2017
May 16, 2017

BY: COUNCILWOMAN SZUKALA

**AUTHORIZING LEASE-TO-PURCHASE ONE (1) VEHICLE
FOR POLICE DEPARTMENT THROUGH STATE CONTRACT PC 66744**

WHEREAS, the City of Dunkirk Police Department is in need of one (1) new automobile for use by the Police Department; and

WHEREAS, one (1) suitable vehicle is available for purchase through a State Contract Bid; and

WHEREAS, sufficient funds are available in the Police Department's Budget [Rent/Lease Account 001-3120-4150]; and

WHEREAS, the cost of one (1) vehicle is \$33,363.48, from DeLacy Ford, Inc. (including extended warranty service contract, trade in, and financing charges); now, therefore, be it

RESOLVED, that the Mayor is authorized and empowered to execute a two-year lease-to-purchase agreement, on behalf of the City of Dunkirk, with DeLacy Ford, Inc., 10361 Transit Road, Elma, New York 14059-0437, and/or Ford Motor Credit, for the purchase of one (1) Year 2017 Ford Police Interceptor SUV for the sum of Thirty Three Thousand Three Hundred Sixty Three and 48 Cents (\$33,363.48) (including extended warranty service contract, trade in, and financing charges), with such funds to come from Account 001-3120-4150.

Carried, all voting aye.

RESOLUTION # 30-2017
MAY 16, 2017

BY: ENTIRE COUNCIL

**AUTHORIZING CONTRACT FOR
CITY BUILDINGS ROOF REPAIR AND FINANCING**

WHEREAS, there are several city buildings, including City Hall, Lucas Avenue Facility, and Dunkirk Historical Society Museum, that are in desperate need of roof repair; and

WHEREAS, A. W. Farrell & Son, Inc. is ready, willing, and able to perform the repairs in a good and workmanlike manner at a cost of approximately \$164,000.00; and

WHEREAS, A. W. Farrell & Son, Inc. is willing to accept payments for its services over a period of 10 or more years, no interest; and

WHEREAS, pursuant to General Municipal Law 104-b(2)(f) and the City of Dunkirk Procurement Policy the Common Council, in its sole discretion may dispense with the solicitation of alternative proposals or quotations under certain circumstances when it is not in the best interest of the municipality to do so; and

WHEREAS, the Common Council has specifically considered the following factors is making this determination:

1. This is a professional service requiring special or technical skill, training, or expertise related to management of municipally owned property; and

- 2. The willingness of the contractor to finance the project over a minimum term of 10 years is a substantial benefit to the City which is unlikely to be offered by any other contractor; now therefore be it

RESOLVED, that the Mayor be, and hereby is, authorized to execute all necessary agreements, contracts, and other documents necessary to complete the project at a cost of \$164,000.00 financed for 10 or more years, no interest.

Councilwoman Szukala inquired what city roofs are getting done, if the city is expected to start making yearly payments this year or next year, and inquired how the Mayor would address adding the Fire Halls to the list of roofs that need repairs.

Mayor Rosas advised the roofs listed to be done are City Hall, the Historical Society, and the Streets Department. If it is determined the Fire Hall roofs need replacement they will be included increasing the total amount, and the first payment would begin this year coming from the contingency line. He advised that next year the money will be budgeted on a specific line.

Councilman Gonzalez advised concern that the project offered is not going out to bid.

City Attorney Connolly advised the Common Council has sole discretion over whether a project goes out to bid particularly in terms of management of municipal property; and because it is somewhat of an emergency to one of the buildings, as well as the substantial benefit to the city by financing from the contractor, it is the councils privy to bypass the normal procedure.

Carried, all voting aye.

NEW BUSINESS:

RESOLUTION #31-2017
May 16, 2017

By: ENTIRE COUNCIL

**ACKNOWLEDGING PARTICIPATION IN THE MUNICIPAL
CONSOLIDATION AND EFFICIENCY COMPETITION**

WHEREAS, The City is committed to effective government and providing high quality public service to our residents at the lowest possible tax cost to our taxpayers; and

WHEREAS, The City applauds the State and County efforts to promote service sharing among local governments, including functional and corporate merger; and

WHEREAS, The City recognizes that the financial and technical support offered to local governments by Governor Andrew Cuomo and the NYS Legislature has provided our community with a unique opportunity to explore ways to permanently reduce the tax burden of our residents through collaboration and structural reform; now therefore be it

RESOLVED, that with the assistance provided by NYS and Chautauqua County we will continue our already-begun study of a consolidated public safety facility with the Village of Fredonia, to continue our already-begun study of a coordinated or merged wastewater treatment system with the Village of Fredonia, and to pursue all results of these studies that are consistent with effective service delivery to our residents.

Councilwoman Szukala advised she asked the Mayor if there was any additional cost and was assured there is not.

Carried, all voting aye.

Mayor Rosas presented the three local award winners of the Essay Contest with proclamation forms, certificates of recognition, and monetary awards.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Adjourned at 6:07 PM

Edwin Ramos, City Clerk
