

**PUBLIC HEARING  
May 17, 2016**

The public hearing was called to order at 5:15 PM by Councilman-at-large Woloszyn.

Present: Councilmen Williams, Bamonto, 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, Personnel Administrator Heyden, Clerk, Board of Assessors Mleczko, Animal Control Officer Purol 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 #51-2016 amending Common Council Rules of Order (City Charter, Appendix 1).

**PUBLIC COMMENTS:**

Tom Taylor, 223 Temple Street, advised he was in favor of this as he believes transparency in government is necessary and would like to see the privilege of the floor extended to the end of the meeting as well.

Mike Civileto, 138 Ruggles Street, representative of the CAC, advised he is in favor of the workshops, considers this a positive move and should help things run smoothly.

**Public Hearing closed at 5:19 PM**

**Lillian R. Divine, City Clerk**

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**COMMON COUNCIL PROCEEDINGS**

**May 17, 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, Personnel Administrator Heyden, Building Inspector Zurawski, Clerk, Board of Assessors Mleczko, Animal Control Officer Purol and Police Chief Ortolano.

Excused: Fire Chief Edwards

Certification of Tuesday, May 03, 2016 meeting was read by City Clerk Divine.

**RESOLVED:** That the reading of the minutes of Tuesday, May 3<sup>rd</sup>, 2016 be dispensed with.

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

Carried, all voting aye.

Councilman-at-large Woloszyn invited Police Chief Ortolano and Mayor Rosas forward for an award presentation.

Police Chief Ortolano presented the ‘Award of Merit City of Dunkirk Police Department’ signed by himself as well as Mayor Rosas to Detective Scott Korzenski and Detective Edward Paluch “for distinguished service as a Dunkirk Police Officer carrying out his duties in a professional manner. The Detective’s dedicated work on the Rafael Burgos Drug Trafficking Organization Case resulted in Burgos and 5 other defendants being arrested and charged in Federal Court. This investigation was recognized by the Federal Executive Board and received the 2016 National Excellence in Government Exceptional Service Award”.

Mayor Rosas congratulated the Dunkirk Police Force and advised he thinks they are the most professional police force in Chautauqua County.

#### **PUBLIC COMMENTS:**

Tom Taylor, 223 Temple St, thanked everyone for taking care of the issue that he had brought forth at the last Common Council Meeting.

Valerie Pawlak, 10 Ruggles St, congratulated the Dunkirk Police for their achievement and spoke in regards to the recent Historical Society Train Event that was held at the Fairgrounds.

#### **COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:**

Mayor Rosas advised he has successfully hosted his 3<sup>rd</sup> Business Roundtable with local business owners. “These roundtables will be ongoing twice a month. The feedback given by these business people will help the City to develop a strategy to assist local businesses in becoming stable and possibly expanding. The next roundtable is scheduled for May 24<sup>th</sup>.”

Mayor Rosas explained “many of the Boardwalk businesses have already opened for the season. The remaining ones will be open by Memorial Day. We have all 8 spaces rented out and will welcome a new ice cream shop this season.”

Mayor Rosas advised “The Farmer’s Market season will begin June 15<sup>th</sup> and operates each Wednesday from 9-2PM at the Dunkirk Senior Center. The new Market Manager, Sarah Sorci, is currently recruiting vendors and entertainers. There will be a ‘Family Day at the Market’ event with acoustic music, storytelling and possibly face painting or other family activities. The last day of the Market is September 28<sup>th</sup>.”

#### **COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**

Request from Cynthia Karnes to use Promenschenkle Stadium and Koch’s Field on Saturday July 9<sup>th</sup> 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 made a motion to approve. Seconded by Councilman Williams.

Carried, all voting aye.

Request from Christ Chapel Wesleyan Church to have a bounce house at the large pavilion at Point Gratiot on August 21<sup>st</sup> for their annual family picnic and requesting permission to hold Sunday worship services.

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 Bamonto.

Carried, all voting aye.

Request from Dunkirk Festivals to close Lake Front Boulevard from Main Street to Serval Street on July 2<sup>nd</sup> and 3<sup>rd</sup> for the 2016 Dunkirk Lake Air Show. Also requesting the support of the City Parks/Streets Departments for assistance with barricades, garbage barrels, bandstands and the closing of Pangolin Park.

Councilman Williams thanked Festivals Coordinator Hector Rosas for his hard work bringing this event to the City as well as for the soliciting of the donations needed.

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 Bamonto.

Carried, all voting aye.

Request from Iglesia Getsemani to use Memorial Park on Monday, June 11<sup>th</sup> from 1:00 PM until 6:00 PM for Church activities.

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 Bamonto.

Carried, all voting aye.

Dunkirk Historical Lighthouse to use loudspeakers on May 30th from 8:00 AM until 10:00 AM for Memorial Day Services.

Dunkirk Historical Lighthouse for loudspeakers on August 20<sup>th</sup> from 2:00 PM until 8:00 PM.

Henry Hooten, Sr. for a band at 212 Webster Street on July 3<sup>rd</sup> from 6:00 PM until 8:00 PM.

Christ Chapel Wesleyan Church to use a speaker at the large pavilion at Point Gratiot on August 21<sup>st</sup> from 10:30 AM until 2:30 PM.

Iglesia Getsemani to use musical instruments at Memorial Park on June 11<sup>th</sup> from 1:00 PM until 5:00 PM.

Councilwoman Szukala inquired as to why some Department Heads had not signed off on some of the loudspeaker permits.

City Attorney Brautigam advised he was out of town last week so was not available to sign off and had no issues with any of the permits.

Public Works Director Bennice advised he had no issues with any of the permits.

Councilman Gonzalez inquired to the residential permit for 212 Webster Street.

Councilman Williams advised that Mr. Hooten has been doing this for years and Police Chief Ortolano advised that the neighbors have signed off on the permit.

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

Carried, all voting aye.

Notice of Claim from David Nicosia for alleged damages to his house caused by large limbs from two trees.

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

Carried, all voting aye.

**REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:**

Councilman Williams advised his next Department of Public Work's Meeting is scheduled for next Wednesday, May 25<sup>th</sup> at 3:45 PM in the Mayor's Conference Room, thanked the Historical Society for a recent event held at the Fairgrounds that they arranged, inquired to Public Works Director Bennice for clarification with the brush drop off and reminded residents to get out and vote for the School Board Election.

Public Works Director Bennice advised that as of June 1<sup>st</sup> the DEC will be starting the work to remove the Steel Plant, brush will still be allowed to be dumped off on the other side of the driveway, cones and signage will be placed to show the residents/contractors where to go and that the City should start looking at ideas to change the way it is disposed of as it is costly.

Mayor Rosas advised that this could be brought up and discussed at a Public Works Meeting.

Councilman Bamonto inquired to Public Works Director Bennice for an update on the potholes throughout the City, Personnel Director Heyden for an update on seasonal hiring, Mayor Rosas for an update with the Wright Parks Amenities Grant and encouraged residents to get out and vote in today's School Board Election.

Public Works Director Bennice advised the crews have been working on brush collection, tree removal as well as their normal trash/recycling collection and hopes to be back on filling pot holes next week some time.

Personnel Director Heyden advised positions the City is currently looking to fill as well as the number of seasonal employees that have been hired.

Mayor Rosas advised that the Wright Park Amenities Grant has been finalized and is awaiting a copy of the contract.

Councilman Gonzalez inquired to Mayor Rosas for an update with the new Development Director as he would like to meet her first before setting up the next Economic Development Meeting.

Mayor Rosas advised that he is currently still in negotiations with the potential new Director of Development.

Councilman Gonzalez inquired for an update on the fire hydrant maintenance that needs to be done to keep the City in compliance, would like to see a better procedure put in place with DPW and the Fire Department to get this accomplished in a timely manner and that this procedure should not be left to the Public Works Department alone as they do not have as much man-power as the Fire Department.

Mayor Rosas advised he will have a discussion with the Fire Chief as well as the Public Works Department to develop a new policy to keep the City in compliance and will keep Council well informed of the situation.

Councilman Williams advised that the volunteer departments do their own flushing so he does not see a reason why the paid department cannot do it as well.

Councilman Bamonto advised he thinks the Fire Department should help with the hydrants.

Public Works Director Bennice advised that some hydrant flushing has been happening and that valves need to be exercised more regularly.

Councilwoman Szukala advised that there are forms available in the Clerk's Office for Chautauqua County Household Hazardous Waste Drop-Off Day which will be held on Saturday, June 11<sup>th</sup> from 9:00 AM until 2:00 PM at the City Barns located on Lucas Avenue.

Councilwoman Szukala inquired to Public Works Director Bennice for an update with the recycling stickers as well as the Waste Water Treatment Plant upgrades and to Building Inspector Zurawski for an update with the water leak on Doughty Street.

Public Works Director Bennice explained the upgrade process at the Waste Water Treatment Plant, advised that he will look into getting more stickers in the vehicles and provided an update on the tonnages of "undesirables" decreasing within the recycling program.

Building Inspector Zurawski advised he has called the home-owner who will be hiring a plumber to see what the problem may be.

Councilman-at-large Woloszyn congratulated Police Chief Ortolano for the accomplishment within his department and asked Mayor Rosas for clarification with the potential of shared Police Services with Fredonia.

Mayor Rosas advised he has met with Mayor Landis of Fredonia, invited her to a meeting later this week with State Officials for exploring possible grant funds, is hoping to work together on the consolidation but will also look to pursue how to upgrade the City Police Department individually should Fredonia not want to work on shared services.

Councilman-at-large Woloszyn inquired to Building Inspector Zurawski for an update on porches in the City that are being held up by construction materials as well as an update from

Mayor Rosas on the RFP for the Beach Hut and advised that his next Finance Committee Meeting is scheduled for Thursday, May 26<sup>th</sup> at 4:00 PM in the Mayor's Conference Room.

Building Inspector Zurawski advised that this situation has been going on for years and unless State Law changes states it is difficult to deal with out of area homeowners/landlords.

Mayor Rosas advised the RFP's were due on Friday and that he has not yet had a chance to review what was submitted.

**UNFINISHED BUSINESS:**

**RESOLUTION #51-2016**

**May 3, 2016**

**BY: ENTIRE COUNCIL**

**AMENDING COMMON COUNCIL RULES OF ORDER  
(CITY CHARTER, APPENDIX 1)**

**WHEREAS**, the City of Dunkirk Common Council, by Resolution No. 74-2012 (September 18, 2012), adopted a set of Rules of Order which are intended to govern the proceedings of the council; and,

**WHEREAS**, as part of such Rules of order, preview workshops, which were previously scheduled to commence one-half (1/2) hour before regularly-scheduled Common Council meetings were eliminated; and,

**WHEREAS**, the Common Council believes that it would be in the best interests of the residents and taxpayers of the City and would provide more efficient practices for Citizens, taxpayers, the City, and its employees, to re-institute "Preview Workshops" which will convene one half hour prior to the regularly scheduled Common Council meetings; now, therefore, be it

**RESOLVED**, that the Rules of Order of the Common Council are hereby amended as follows:

**CITY CHARTER, APPENDIX 1, I. MEETINGS**

1. The regular meetings of the Common Council shall be held the first and third Tuesday of every month at 5:30 P.M. in the Common Council Chambers in the City Hall, unless changed at a prior meeting. **Preview workshops shall convene at 5:00 on the day of each regular meeting.**

(Matter underlined and **bold** is new)

Councilman Williams made a motion to remove Resolution #51-2016 from the table. Seconded by Councilman Bamonto.

Carried, all voting aye.

Vote on Resolution #51-2016:

Carried, all voting aye.

**PRE-FILED RESOLUTIONS:**

**RESOLUTION #52-2016**

**May 17, 2016**

**BY: COUNCILWOMAN SZUKALA**

**AUTHORIZING LEASE-TO-PURCHASE ONE (1) VEHICLE  
FOR POLICE DEPARTMENT THROUGH LOCAL GOV'T (VILLAGE) CONTRACT**

**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 on Local Government (Town) 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 \$28,889.16, from DeLacy Ford, Inc. (including extended warranty service contract 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 First Niagara Leasing, Inc., for the purchase of one (1) Year 2016 Ford Police Interceptor SUV for the sum of Twenty Eight Thousand, Eight Hundred Eighty Nine Dollars and Sixteen Cents (\$28,889.16) (including extended warranty service contract and financing charges), with such funds to come from Account 001-3120-4150.

Carried, all voting aye.

**RESOLUTION #53-2016**

**May 17, 2016**

**By Councilman Williams, Councilman Bamonto, Councilman Gonzalez:**

**MODIFYING RESERVATION PROCESS FOR GROUPS  
FOR PAVILIONS AT POINT GRATIOT**

**WHEREAS**, there exists a great demand during the summer months for the use of the pavilions at Point Gratiot park by members of the public, clubs, groups and associations; and

**WHEREAS**, Section 49-6B of the Dunkirk City Code, delegates to the City Clerk the power to reserve the use of the Point Gratiot pavilions for picnics; and

**WHEREAS**, this Council wishes to modify the existing system of reserving the pavilions (established by Resolution #29-2005) at Point Gratiot Park, and allow for large groups and organizations to apply for use of the pavilions to facilitate planning and predictability; now, therefore, be it

**RESOLVED**, That groups, associations, and public organizations shall be permitted to reserve the pavilions at Point Gratiot Park or specified sections of the pavilions at Point Gratiot Park after January 1<sup>st</sup> for events occurring during that same calendar year, after completion of the required application and payment of the applicable fees to the Dunkirk City Clerk as more fully described in Resolution #29-2005. All other applications shall be accepted on February 1<sup>st</sup> of the same calendar year for the same year. Any early application rejected by the Common Council does not prevent that group, association, or public organization from applying for use of a pavilion. And, be it further;

**RESOLVED**, That all of the requirements and restrictions established by Common Council Resolution #29-2005 shall remain in effect, except as modified by this resolution.

Councilman Williams advised the purpose of this is to give organizations more time to plan a successful event and that if passed, there will be 6 months to implement.

Councilwoman Szukala advised she could not support this with two different dates and would have liked for more time to discuss this further as there was no rush to get this out seeing the season has already started.

Mayor Rosas advised that this is a small community that knows which events come regularly, does not want to be counter-productive, it is up to Council to make these decisions as they are submitted and doesn't want to see the City lose bigger events because the Organization did not have sufficient time to plan/reserve dates.

Councilman Gonzalez advised this is different, the City should try to see how it works out and will see about making any necessary changes as needed.

Councilman Bamonto advised he will support this and hopes that the City has not missed out on any events in the past because of the time restraints.

Councilman-at-large Woloszyn advised that he discussed the situation with the three Clerk's Office employees, agrees as well as disagrees with some of the things being stated in this Resolution and the process of how it came to be and even if he has reservations on how this will work out he will put his trust in the Mayor's support behind this.

Vote on Resolution:

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

No: Councilwoman Szukala

Carried, 4-1.

Councilwoman Szukala motioned to meet in Executive Session to discuss the employment history of a particular person or matter leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person, it is expected that no new business will be taken after the Executive Session concludes. Seconded by Councilman Williams.

Carried, all voting aye.

Executive Session called to order at 6:36 PM.

Councilman Gonzalez moved to adjourn the Executive Session at 7:15 PM and reconvene to the regular Council Meeting. Seconded by Councilman Bamonto.

Carried, all voting aye.

**ADJOURNMENT:**

Councilman Bamonto moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

**Adjourned at 7:16 PM**

**Lillian Divine, City Clerk**

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