

**COMMON COUNCIL PROCEEDINGS****July 11, 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 Morrisroe, City Treasurer Woods, City Engineer Woodbury, Board of Assessors Mleczko, Clerk, Fiscal Affairs Officer Pinkoski, Building Inspector Zurawski, Personnel Administrator Heyden, Public Works Director Bankoski, Director of Development Yanus, Festivals and Special Events Coordinator Rosas, Fire Chief Edwards and Police Chief Ortolano.

Certification of the Tuesday, June 20, 2017 Common Council Meeting and the Friday June 30, 2017 Special Common Council Meeting was read by City Clerk Ramos.

**RESOLVED:** That the reading of the Tuesday, June 20, 2017 Common Council Meeting and the Friday, June 30, 2017 Special Common Council Meeting be dispensed with.

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

Carried, all voting aye.

Councilman Gonzalez made a motion to meet in Executive Session to discuss the collective negotiations to article fourteen of the civil service law. Seconded by Councilman Bamonto.

Carried, all voting aye.

Councilman-at-Large Woloszyn advised Councilman Gonzalez to report Executive Session Opening and Closing time to City Clerk and report that no new city business was conducted.

Councilman Williams made a motion to open Executive Session at 5:33 PM. Seconded by Councilman Bamonto.

Councilman Bamonto moved to adjourn Executive Session at 6:11 PM. Seconded by Councilman Williams.

The regular order of the Common Council Meeting for July 11, 2017 reconvened at 6:15 PM.

**PUBLIC COMMENTS:**

Janet Delgado of 65 Lake Shore Drive East spoke for a new volunteer group, Community Works. She advised the group would like to volunteer to spruce up some of the city playgrounds and sports courts to draw children toward sports for their pastime instead of the streets. She also advised she spoke with Public Work's Director Bankoski and later in this meeting he will be reporting the group's goal in more detail.

Valerie Champlin, representing Revitalize Dunkirk, extended to all present an invitation to the second BYOC (Bring Your Own Chair) Sunset Watch scheduled for July 16, 2017 at Wright Park and advised weather permitting there will be kite flying before watching the sun set. She also advised there will be a BYOC event in August and September, and thanked the Mayor, Fire Department, Police Department and DPW for the excellent work in providing a City bonfire at the June BYOC Sunset Watch event.

James Fisher of 96 West 5<sup>th</sup> Street spoke about the petition turned into the council from the residents of West 5<sup>th</sup> Street and neighboring blocks to have the City of Dunkirk pave West 5<sup>th</sup> Street properly from Central Avenue to Woodrow Avenue because patch work is not working.

Bernice Settlemeyer of 150 West 5<sup>th</sup> Street thanked Chief Ortolano and the Police Department for their efforts to keep City residents safe in the community and thanked Building Inspector Zurawski for his part in making the City beautiful by making residents keep the houses they reside in clean of garbage.

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

Mayor Rosas advised yesterday was the kickoff meeting with the NYS Restructuring Board with Tim Ryan and his staff from the Division of Budget. They gave the City a better idea of what the Restructuring Board is. Mayor Rosas also advised today the Executive Director of the NYS Division of Minority and Women's Business Development was in the City providing a full day of training to business owners, explained the importance of having certified minority and women's businesses especially as it relates to becoming eligible to bid on city projects, and asked Development Director Yanus to report on the event.

Development Director Yanus advised the Development Department hosted the event at the Fredonia Incubator; her staff was trained to help vendors through the certification process, and invited businesses who are not yet certified to visit the Development Office to start the process.

Mayor Rosas invited Festivals and Special Events Coordinator Rosas to report on the last week of Festivities. Festivals Coordinator Rosas reported the Thursday Music on the Pier and the Dunkirk-Lake Shore Air Show, and 4<sup>th</sup> of July week broke record numbers compared to past events. It was a positive event for the City, the different Department Heads worked well together to make the events happen, and the Fire Department, Police Departments, and DPW did a wonderful job in keeping everyone safe during the many activities.

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

Request and Petition from residents of West 5<sup>th</sup> Street and nearby streets in the City of Dunkirk to have the City pave West 5<sup>th</sup> Street from Central Avenue to Woodrow Avenue.

Councilman Bamonto thanked Mr. Fisher and the residents who circulated and signed the petition. He advised he has the same concerns as the residents, has mentioned West 5<sup>th</sup> Street at the DPW Committee Meetings since March, and hopes the street is repaired soon.

Received and filed.

Request from Pastor Omar Cosme on behalf of the Iglesia Cristiana Clinica del Alma Inc. to hold an outdoor church service in front of City Hall on July, 21, 2017 from 6:00 PM until 9:00 PM.

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 Pastor Omar Cosme on behalf of the Iglesia Cristiana Clinica del Alma Inc. to use microphones, speakers, keyboard, bass, and other instruments during an outdoor service in front of City Hall on July 21, 2017 from 6:00 PM until 9:00 PM.

Loudspeaker application from Adrian A. Olavarria on behalf of the Iglesia Movimiento Pentecostes Arca de Salvation Inc. to use musical instruments and microphones during outdoor services in their church parking lot at 410 Eagle Street on July 28, 2017, August 25, 2017, and September 8, 2017 from 5:00 PM until 9:00 PM.

Loudspeaker application from Paulette Pacos on behalf of Blessed Mary Angela Parish to have a band at the Blessed Mary Angela Annual Festival, 324 Townsend Street on August 13, 2017 from 12:00 PM until 4:00 PM.

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 the three applications. Seconded by Councilwoman Szukala .

Carried, all voting aye.

Notice of Claim from Benito DeJesus for alleged false and defamatory statement resulting in termination of employment and damage to his reputation.

Councilman-at-Large Woloszyn advised a motion was needed to refer to the Law Department.

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

Carried, all voting aye.

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

Councilman Williams inquired to Public Works Director Bankoski for an update on the water leak on the 200 block of Columbus Avenue and a tree at 124 East Second Street.

Public Works Director Bankowski advised the site on Columbus Avenue has been dug up for the third time and it has been determined that something is not going on underground that is creating a water leak, but a run off of water coming from the railroad berm and backyard of houses. As for the tree on Second Street, Public Works Director Bankoski advised the tree is on the list to be cut.

Councilman Williams inquired if any of the department heads had an update on NRG or the Athenex Project.

Mayor Rosas advised he had a discussion with Senator Young yesterday and she assured that NRG is going to repower, the State has a written Agreement with NRG, and she is trying to work with the State to make the City whole during the duration of time it takes to repower. As for Athenex, Mayor Rosas advised it still going to happen. The State is waiting for a date when the Governor can be present for the ground breaking.

Public Works Director Bankoski advised as Chautauqua County Legislator of District 2 he can verify the State has already reached out about setting up a venue for the ground breaking, they are just waiting on the Governor for a date.

Councilman Williams inquired of Public Works Director Bankoski for the process to get Access 12 into the Hose#1 Building. He had a tour of the building and saw it was in decent shape and may be a possibility as a new location for Access 12.

Director of Public Works Bankoski advised Access 12 will need to tour the building and Access 12 would advise if the building will be adequate for their needs.

Councilman Williams advised the next Public Works Committee Meeting will be held on July 25, 2017 at 4:00 PM in the Mayor's Conference Room.

Councilman Bamonto advised he agreed with Festivals and Special Events Coordinator Rosas that the week-long of special events was a success. He thanked the many people who attended the events including the many visitors from out of town and thanked DPW, the Police Department, and Fire Department for the extra hard work they provided during the week.

Councilman Gonzalez advised he was proud the Air Show the City of Dunkirk provided the community. He watched the show live via Facebook while at Daytona Beach. People around him could see what he was watching and were impressed with the show the City of Dunkirk provided the community free of cost. Councilman Gonzalez inquired of Chief Ortolano how the Police Department is enforcing those who are in violation of the City Noise Ordinance. He advised he has received several calls of complaint of vehicles driving with excess loud music. Councilman Gonzalez also thanked Public Works Director Bankoski for taking care of a situation on Greco Lane.

Chief Ortolano advised when the officers come across violators of the noise ordinances the officer's ticket for the noise violation. He also advised if people call the police desk and report the location and description of the vehicles in violation the Police Department will follow up.

Councilman Gonzalez advised the next Economic Development Committee Meeting will be held on July 31 at 4:00 PM.

Councilwoman Szukala requested to Public Works Director Bankoski if he could have someone check the light on the light pole on the basketball court on Fourth Street. She received a call that the light was out. Councilwoman Szukala also requested an update from Public Works Director Bankoski on the Benton Street Tank clean up and announced the next Public Safety Committee Meeting is scheduled for Wednesday, July 26, 2017 in the Mayor's Conference Room.

Public Works Director Bankoski reported they recently did some weed whacking around the Benton Street Tank property to clean it up, the project is in its final phase, and the electrical contractor still has work to finish up. Once the electrical work is done, the contractors will be able to do site repairs, remediation's, and fence repair.

Councilwoman Szukala advised to City Attorney Morrisroe there will be a need for a Resolution at the next Council Meeting to reschedule the August 1, 2017 Common Council Meeting to July 31, 2017 to accommodate the City to participate at the Annual National Night Out which is always held on the first Tuesday in August.

Councilman-at-Large Woloszyn praised Public Works Director Bankoski on a job well done in fixing a sewer grate behind 102 Moffat Street that was more complicated than it looked. Councilman-at-Large Woloszyn also advised he agreed with Festivals and Special Events Director Rosas that the six day long event of music, Air Show, and 4<sup>th</sup> of July festivities along the waterfront was a success and was something to be proud of. Councilman-at-Large Woloszyn lastly requested of Public Director Bankoski to comment on a few items.

Public Works Director Bankoski advised the Fourth Ward playground is almost complete, the new garbage truck arrived Thursday, the garbage crew will be trained on its use this coming Monday and it will go out to use on Tuesday. Public Works Director Bankoski also advised Ms. Delgado's Community Works volunteer group did some work at the Wright Park courts. They repainted lines on the ground, painted poles, and cleaned up the area. The volunteer group would like to continue with the Fourth Street court, Townsend Street court, and Pangolin Street court. The volunteer group will cost the City nothing and they are signing off on insurance waiver forms.

**UNFINISHED BUSINESS:**

**RESOLUTION #48-2017**  
**JUNE 6, 2017**

**BY: COUNCILPERSONS BAMONTO and GONZALEZ**

**CREATING THE POSITION OF SPANISH SPEAKING FIREFIGHTER**

**WHEREAS**, the City has a large population of Spanish-speaking citizens; and

**WHEREAS**, the City of Dunkirk Fire Department has the responsibility for protection of life and property in the City; and

**WHEREAS**, communication between the City of Dunkirk Fire Department and the citizens of the City is important and may save lives, particularly during emergencies; now, therefore, be it

**RESOLVED**, that pursuant to Article IX of the Dunkirk City Charter, the Common Council hereby creates the position of Spanish Speaking Firefighter; and be it finally

**RESOLVED**, that the City of Dunkirk Personnel Department is hereby directed to create a position, pursuant to applicable Civil Service rules and regulations, for a

Spanish Speaking Firefighter, and to fill said position from an applicable Civil Service list of applicants.

Councilman-at-Large Woloszyn advised he would need a motion to take Resolution #48-2017 off the table.

No motion was made to remove the resolution off the table.

Resolution #48-2017 **DIED** on the table.

**PRE-FILED RESOLUTIONS:**

**RESOLUTION # 61 -2017**  
**July 11, 2017**

**BY: ENTIRE COUNCIL**

**WWTP IMPROVEMENT PROJECT STANDARDIZATION**

**WHEREAS**, the City of Dunkirk is equipped with two mechanically cleaned bar screens at the wastewater treatment plant, and

**WHEREAS**, the City of Dunkirk has purchased one mechanical bar screen manufactured by Duperon Corporation, and

**WHEREAS**, the City intends to replace the second bar as part of the a wastewater treatment plant capital improvement project, now therefore be it

**RESOLVED**, that the City makes the following findings:

1. Standardization of one manufacturer will significantly reduce the complexity of operating the two bar screen systems.
2. Standardization of one manufacturer will allow for uniformity in maintenance of spare parts which are necessary to be kept available for the operation of the screens.
3. The time needed for training of existing and future employees will be reduced by standardization on one manufacturer for the systems.
4. Records of operation and maintenance for the systems will be simplified and uniform by standardizing on one system.

Based upon the above findings, it is finally

**RESOLVED**, that for reasons of efficiency and economy and pursuant to the authority conferred by Subdivision 5 of Section 103 of General Municipal Law, it is determined that there is a need for standardization in the screening systems at the City of Dunkirk wastewater treatment plant to the system(s) manufactured and supplied by Duperon Corporation, and said standardization is hereby adopted, authorized, and directed.

Carried, all voting aye.

**RESOLUTION # 62 -2017**  
**July 11, 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**

<b>Account Number</b>	<b>Department</b>	<b>Line</b>	<b>Change</b>
001.0001.2770.7708	General Fund	Reimb – Land Bank	\$ 75,000
001.3650.4000	Safety Inspection	Demolitions	\$ 75,000
<b>TOTAL</b>			<b>\$ -</b>

(Demolitions reimbursed by Land Bank estimated at 5 X \$15,000)

<b>Account Number</b>	<b>Department</b>	<b>Line</b>	<b>Change</b>
001.0001.2770.7701	General Fund	Misc Reimbursements	\$ 200
001.3120.1001	Police Dept	Personal Serv Overtime	\$ 200
<b>TOTAL</b>			<b>\$ -</b>

(Donation for traffic control at Great Lakes Experience)

<b>Account Number</b>	<b>Department</b>	<b>Line</b>	<b>Change</b>
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001.8050.4011	Cable TV/ Access 12	Telephone/Internet	\$ 1,000
001.8050.2000	Cable TV/ Access 12	Equipment	\$ (1,000)

<b>TOTAL</b>			\$ -
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(Spectrum no longer has free cable at School; too weak for Access 12 needs)

Account Number	Department	Line	Change
001.1620.4021	Building City Hall	Repair/Maint	\$ 1,050
001.1620.4036	Building City Hall	Contracted Services	\$ (1,050)

<b>TOTAL</b>			\$ -
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(Heater repair in courts)

Account Number	Department	Line	Change
001.8120.4023	Sanitary Sewer	Repair/Maint Vehicles	\$ 2,300
001.8160.4023	Refuse/Garbage Collection	Repair/Maint Vehicles	\$ (2,300)

<b>TOTAL</b>			\$ -
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(Vac Con repairs)

#### Fund 2 – Water Fund

Account Number	Department	Line	Change
002.8320.4736	Purification and Pumping	Contracted Services	\$ 1,000
002.8320.4022	Purification and Pumping	Repair to Equipment	\$ (1,000)

<b>TOTAL</b>			\$ -
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Account Number	Department	Line	Change
002.8340.4021	Distribution	Repair/Maint	\$ 1,500
002.8340.4036	Distribution	Contracted Services	\$ (1,500)

<b>TOTAL</b>			\$ -
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#### Fund 3 – Wastewater Fund

Account Number	Department	Line	Change
003.8130.4001	Wastewater Treatment	Travel & Training	\$ 4,800
003.8130.4036	Wastewater Treatment	Contracted Services	\$ (4,800)

<b>TOTAL</b>			\$ -
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(Additional training anticipated in the fall)

Carried, all voting aye.

**RESOLUTION # 63 -2017**  
**July 11, 2017**

**BY COUNCILMAN WILLIAMS:**

**AUTHORIZING FINANCING OF FIRE RADIOS**

**WHEREAS**, the Council previously approved the purchase of Fire Radios, and

**WHEREAS**, the Council agreed to finance part of the estimated \$120,000 cost from 2017 budgeted appropriations for Fire Department Equipment (001.3410.2000) of \$46,000 and budget modifications of \$34,000, and

**WHEREAS**, the Radios are expected to be delivered during 2017 and Fire Chief Edwards requested to apply for a \$20,000 loan from the Chautauqua County Fire Advisory Board to finance part of the balance of the cost, and

**WHEREAS**, the loan would bear interest at a rate two percent (2%) lower than the County's comparable borrowing, as calculated by the Director of Finance and have a maximum term of five years, now therefore be it

**RESOLVED**, that the Mayor is hereby authorized and directed to execute all documents for the financing of \$20,000 toward the cost of the Radios.

Carried, all voting aye.

**NEW BUSINESS:**

**RESOLUTION #64-2017**  
**July 11, 2017**

**BY: COUNCILMEN MARTY BAMONTO & ANDY GONZALEZ**

**RATIFICATION OF AGREEMENT BETWEEN THE  
CITY OF DUNKIRK AND THE  
DUNKIRK PROFESSIONAL FIREFIGHTERS' ASSOCIATION, INC.  
LOCAL 616 FROM  
JANUARY 1, 2017 TO DECEMBER 31, 2020**

**WHEREAS**, the City of Dunkirk ("Dunkirk") and the Dunkirk Professional Firefighters' Association, Inc., Local 616 ("Local 616") 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, 2016; and

**WHEREAS**, after negotiations, Dunkirk and Local 616 have signed a Memorandum of Understanding regarding said proposed contract; and

**WHEREAS**, the Civil Service Law requires that this Common Council review and vote upon 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 Local 616 and Dunkirk on behalf of the City of Dunkirk for the years 2017, 2018, 2019 and 2020.

Councilman Williams advised unfortunately because the Councilmembers were not able to get a financial impact statement for this resolution he is making the motion to Table Resolution #64-2017.

Councilwoman Szukala seconded the motion to Table the resolution.

Vote on tabling the Resolution:

Ayes: Councilman Williams, Councilwoman Szukala, and Councilman-at-Large Woloszyn.

Nays: Councilman Bamonto and Councilman Gonzalez.

Carried, 3-2

**RESOLUTION #65-2017**  
**JULY 11, 2017**

**BY: COUNCILPERSONS BAMONTO and GONZALEZ**

**CREATING THE REQUIREMENT OF AT LEAST ONE BILINGUAL, SPANISH-  
ENGLISH SPEAKING FIREFIGHTER MOVING FORWARD**

**WHEREAS**, the City has a large population of Spanish-dominant citizens recently arrived from Puerto Rico and Mexico with limited English language proficiency; and

**WHEREAS**, the City of Dunkirk has historically welcomed and has been populated by ethnic immigrants and migrants that came to work in the surrounding fields and within the factories within the City; and

**WHEREAS**, the Dunkirk Fire Department has the responsibility for protection of life and property in the City; and

**WHEREAS**, effective communication between the City of Dunkirk Fire Department and the citizens of the City is important and may save lives, particularly during emergencies; now, therefore, be it

**RESOLVED**, that pursuant to Article IX of the Dunkirk City Charter, the Common Council hereby creates the requirement that at least one of the City's firefighters be fluently bilingual in English and Spanish, upon establishment of the proper language aptitude examinations pursuant to the New York State Civil Service Law; and be it finally

**RESOLVED**, that the City of Dunkirk Personnel Department is hereby directed to create a requirement, pursuant to applicable Civil Service rules and regulations, that at least one of the Dunkirk Firefighters be bilingual in English and Spanish Firefighter, and to fill any future open positions with this requirement established from an applicable Civil Service list of applicants.

Councilman-at-Large Woloszyn advised Resolution #65-2017 is the replacement resolution for the failed Resolution #48-2017. The wording for Resolution #65-2017 makes it clear a new position is not being created, but a new requirement is being created so a Spanish speaking fire fighter could be hired within the existing rank and force.

Carried, all voting aye.

**ADJOURNMENT:**

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

**Adjourned at 6:48 PM**

**Edwin Ramos, City Clerk**

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