

**COMMON COUNCIL PROCEEDINGS****July 18, 2017**

The meeting was called to order at 5:30 PM by Councilman-at-large Woloszyn followed by the Pledge of Allegiance. Chief Ortolano led a moment of silence in memory of former police officer Richard A. Westling who served the City for 20 years and passed away last week.

Present: Councilmen Bamonto, Councilman Gonzalez, Councilwoman Szukala, and Councilman-at-Large Woloszyn.

Also present: Mayor Rosas, City Attorney Morrisroe, City Treasurer Woods, Clerk, City Engineer Woodbury, Building Inspector Zurawski, Fiscal Affairs Officer Pinkoski, Personnel Administrator Heyden, Director of Development Yanus, Festivals & Special Events Coordinator Rosas, Fire Chief Edwards and Police Chief Ortolano.

Excused: Councilman Williams, Board of Assessor Mleczeko, and Public Works Director Bankoski.

Certification of the Tuesday, July 11, 2017 Common Council Meeting was read by City Clerk Ramos.

**RESOLVED:** That the reading of the Tuesday, July 11, 2017 Common Council Meeting be dispensed with.

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

Carried, all voting aye.

**PUBLIC COMMENTS:**

James Fisher, representing Revitalize Dunkirk, advised page 44 of the Annual Action Plan names the group Revitalize Dunkirk as participating in a specific project. The Annual Action Plan is incorrect, because they are not part of that project.

Development Director Yanus advised it will be corrected.

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

Mayor Rosas advised the slide at Point Gratiot playground has been removed temporarily because it was in poor shape and since it was still under warranty a replacement should be arriving in the next week or two. Mayor Rosas invited Development Director Yanus give an update on a couple items.

Development Director Yanus advised there will be a Local Waterfront Revitalization Program Road Show (workshop) at the Fredonia Incubator tomorrow, July 19, 2017, at 5:15 PM until 6:30 PM and invited the community to attend so they can offer opinions on what the City would like to see included in this land-use project. Development Director Yanus added that Chautauqua County has a new consultant for this grant and the county has ten local communities including Dunkirk that are part of the Chautauqua County Local Waterfront Revitalization Program. She also advised the Development Department along with the Festivals & Special Events Department want to

promote the Shakespeare-on-the-Lake with the presentation of Midsummer Night's Dream at the Lighthouse on July 26-29 at 7:30 PM. Tickets will be available an hour before the show or online at fredonia.edu/tickets.

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

Loudspeaker Application from the Assembly of Christian Churches Inc. to use speakers and live music at 314 Eagle Street from 11:00 AM until 3:00 PM on July 29, 2017.

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.

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

Councilman Bamonto inquired to City Engineer Woodbury why a row of trains has been sitting on the tracks along Third Street for the last two weeks, for an update on the Howard Avenue Bridge, and an update on the Lucas Avenue Project.

City Engineer Woodbury advised there are three tracks along Third Street owned by CSX. One track was the track NRG used to haul coal into its plant. It sometimes is used to store trains there that are being staged for the next operation. It is not unusual to have trains staged on that track for days. As for the West Howard Avenue deteriorated culvert, City Engineer Woodbury advised the city needs to acquire a certain amount of property around that area to replace the deteriorated culvert correctly. The property owner, Jamestown Electric, and Robert Rosas are working with the City to help move the project along without further delay. Jamestown Electric even donated the land to the City, so the City could speed up the process and get the project out to bid. City Engineer Woodbury also advised the Lucas Avenue Super Fund Project is about 80% done, DPW, the Mayor, and City Engineer are checking to make sure all the end points of the project get done before the finish of the project in the best interest of the City.

Councilman Gonzalez inquired to Mayor Rosas when the high grass on the former Al Tech clean-up site was going to be cut, not only because of the animals coming off grass, but because it is blocking vision to traffic going around that corner. Councilman Gonzalez inquired to Development Director Yanus for an update on the grant for the Water Park and advised the next Economic Development Meeting will be held at 4:00 PM on July 31, 2017 in the Conference Room.

Mayor Rosas advised the tall grass could be placed on the DPW list of things to be done right away.

City Engineer Woodbury advised the tall grass is in an area that the State is remediating. The State is planning on cutting the grass, but first they must test the soil to see if it has dangerous or harmful chemicals. City workers may not be able to get into the area until the State is done testing the soil.

Development Director Yanus advised consultants are working on the design phase of the Water Park. There was a hold up because the City had to find matching funds for the grant.

Mayor Rosas advised the construction for the Water Park should start around Labor Day and should be done by next summer.

Councilwoman Szukala inquired to Mayor Rosas for an update on Brook's Hospital finding a building site for a new location, thanked Development Director Yanus, Community Development Planner Lincoln, and DPW for the construction of the Forth Ward Playground Project, requested if it would be possible to have another bench installed at the playground and advised City Clerk Ramos that the copier in the Clerk Office was leased years ago because of its capacity to digitize unreadable or damaged old records. Councilwoman Szukala also inquired to City Engineer Woodbury if Lake View Boulevard was going to be paved as was planned in the original Sea Wall Project, when and who dropped Lake View Boulevard from getting paved, asked if someone would look into it because what the council voted on had paving involved, and would like to see discussion on how to move forward to get Lake View Boulevard paved.

Mayor Rosas advised he had a discussion with the Executive Director, Mary LaRowe, and the Hospital has no further updates.

Development Director Yanus advised there may be funds leftover from the Fourth Ward Playground Project that could cover the cost of a bench.

City Engineer Woodbury advised he would check to see if paving was included in the Sea Wall Project and that at this time there is no money left from the project.

City Treasurer Woods advised in the final budget there was no money for paving in the Resolution.

Councilman-at-Large Woloszyn inquired from Development Director Yanus for the name of the group who is putting on the production of Midsummer Night's Dream at the Lighthouse on July 26<sup>th</sup> through the 29<sup>th</sup> and advised all present if they have never attended an outdoor production this would be the perfect opportunity for a wonderful experience as the Lighthouse will make a beautiful background.

Development Director Yanus advised the name of the group is The Playground Academy Adventure Production who is located at the Fredonia Incubator and work hand in hand with SUNY Fredonia.

**UNFINISHED 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-at-Large Woloszyn advised a motion was needed to take Resolution #64-2017 off the Table.

Councilwoman Szukala made a motion to take Resolution #64-2017 off the Table. Seconded by Councilman Bamonto.

Carried, all voting aye to take off the Table.

Councilwoman Szukala requested to abstain from the voting as her son is a firefighter with the Fire Department.

Councilman Bamonto made a motion to allow Councilwoman Szukala to abstain. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Councilman-at-Large as if there was any discussion on the Resolution #64-2017 as it sits. No discussion was had.

Carried, all voting aye.

**PRE-FILED RESOLUTIONS:**

**RESOLUTION #66-2017  
July 18, 2017**

**BY: ENTIRE COUNCIL**

## SUBMISSION OF FY2017 CDBG ANNUAL ACTION PLAN TO HUD

**WHEREAS,** the City of Dunkirk receives funding each year from the United States Department of Housing and Urban Development (HUD) through its Community Development Block Grant (CDBG) program, and

**WHEREAS,** the City develops an *Annual Action Plan* each year that identifies and further describes the City's anticipated allocation of CDBG funds to various programs and activities for the next fiscal year, and

**WHEREAS,** according to the City's approved CDBG Citizen Participation Plan, the City's proposed allocations have been presented to the public and interested elected representatives via four public meetings, one technical assistance session, and a fourteen-day public review; and then comment period was afforded to City residents as well, now, therefore, be it

**RESOLVED,** the following activities are included in the 2017 Annual Action Plan submitted to the public pursuant to the City's Citizen Participation Plan and will be submitted to HUD for its approval:

### 2017 CDBG ALLOCATIONS

<b>Administration and Planning</b>		<b>\$15,000.00</b>
• General Administration	\$15,000.00	
<b>Public Facilities and Infrastructure Improvements</b>		<b>\$408,163.00</b>
• Street Improvements	\$350,000.00	
• Pocket Park Development	\$13,163.00	
• Wright Park ADA Accessibility	\$45,000.00	
<b>Public Services</b>		<b>\$25,000.00</b>
• Career Explorers – Boys & Girls Club	\$15,000.00	
• Chautauqua Striders	\$10,000.00	
<b>Total 2017 Allocation</b>		<b>\$448,163.00</b>

Vote on Resolution: Carried, all voting aye.

**RESOLUTION #67-2017**  
**JULY 18, 2017**

**BY: COUNCILWOMAN SZUKALA**

**AUTHORIZING CHANGE FOR  
FIRST AUGUST 2017 COMMON COUNCIL MEETING**

**WHEREAS**, the Common Council wishes to change the date of their first meeting in August, and

**WHEREAS**, in 1981, the National Association of Town Watch (NATW) was founded to provide community watch groups the necessary resources and assets to stay informed, interested, involved, and motivated within the community. Neighbors and local law enforcement across the nation supported the association as it steadily grew for the next three years; and,

**WHEREAS**, NATW introduced **National Night Out** in August of 1984 through an already established network of law enforcement agencies, neighborhood watch groups, civic groups, state and regional crime prevention associations and volunteers across the nation. The first annual National Night Out involved 2.5 million neighbors across 400 communities in 23 states. However, the event soon grew to a celebration beyond just front porch vigils; and

**WHEREAS**, Neighborhoods across the nation, including those in the City of Dunkirk, began to host block parties, festivals, parades, cookouts and various other community events with safety demonstrations, seminars, youth events, visits from emergency personnel, exhibits and much, much more. Today, thirty eight million neighbors in sixteen thousand communities across the nation take part in **National Night Out**; and

**WHEREAS**, the Tuesday, August 1<sup>st</sup> meeting will be changed to Monday, July 31<sup>st</sup> in order to enable participation in the **National Night Out** program, now, therefore, be it

**RESOLVED**, that the August 1, 2017 Common Council Meeting shall be re-scheduled to July 31, 2017, to enable participation in the **National Night Out** program, with the pre-file date to be Wednesday, July 26, 2017.

Vote on Resolution: Carried, all voting aye.

**RESOLUTION #68-2017**  
**July 18, 2017**

**BY: ENTIRE COUNCIL**

**AUTHORIZING GRANT APPLICATION**

**NYSOPRHP ENVIRONMENTAL PROTECTION FUND GRANTS PROGRAM**

**WHEREAS,** the City of Dunkirk is applying to the New York State Office of Parks, Recreation, and Historic Preservation (“NYSOPRHP”) for a project grant under the Recreational Trails Program for a project to be located within the territorial jurisdiction of the City; and,

**WHEREAS,** as a requirement of these programs, the City must obtain the approval and endorsement of the governing body of the municipality in which the project will be located; now, therefore, be it

**RESOLVED,** that the Dunkirk Common Council does hereby approve and endorse the City’s application for a grant under the Recreational Trails Program through the New York State Office of Parks, Recreation, and Historic Preservation for a project located within this community, and authorizes and directs such application be made to the NYSOPRHP.

Vote on Resolution: Carried, all voting aye.

**ADJOURNMENT:**

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

**Adjourned at 5:56 PM**

**Edwin Ramos, City Clerk**

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