

COMMON COUNCIL PROCEEDINGS
August 16, 2016

The meeting was called to order at 5:31 PM by Councilwoman Szukala followed by the Pledge of Allegiance.

Present: Councilmen Williams, Bamonto, Gonzalez, and Councilwoman Szukala.

Also present: Mayor Rosas, City Attorney Brautigam, Public Works Director Bennice, City Treasurer Woods, Fiscal Affairs Officer Halas, Building Inspector Zurawski, Clerk, Board of Assessors Mleczko, Personnel Administrator Heyden, Fire Chief Edwards and Chief Ortolano.

Councilwoman Szukala excused Councilman-at-large Woloszyn from tonight's meeting

Councilwoman Szukala called for a motion according to the City Charter to preside as Acting Councilwoman-at-large for this meeting.

Motioned by Councilman Bamonto. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Certification of August 01st, 2016 and Special Meeting of August 10th, 2016 meeting was read by City Clerk Divine.

RESOLVED: That the reading of the minutes of Monday, August 1st, 2016 and Wednesday, August 10th, 2016 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

No one spoke.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Rosas advised that Camp Gross had just ended, was a huge success, thanked Recreation Program Coordinator Hall and his staff for a job well done, suggested next year would be a good year to possibly expand due to demand of Camp and provided details of the activities that the campers participated in.

Mayor Rosas advised that for the first time in ten years, the City will be having a Men's Slow Pitch Softball Fall Season and that the Flag Football League will be starting.

Mayor Rosas advised that City Attorney Brautigam has turned in his resignation due to a retirement at his firm, will stay until a replacement is found and that he will begin his search immediately.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Request from Ollie's Bargain Outlet for one off duty Police Officer to cover the store on Wednesday, August 17th from 9:00 AM until 1:00 PM for security purposes.

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

Carried, all voting aye.

Request from the First Ward Falcon Club to close S. Serval Street between Lake Shore Drive and Chestnut Street on Friday, September 2nd thru Sunday, September 4th from 5:00 PM to midnight for their annual Labor Day street dance. Also requesting use of garbage cans for the parking lot.

Acting Councilwoman-at-large Szukala advised a motion to approve was needed and referred this to appropriate departments as well as approve subject to appropriate insurances and usual conditions.

Councilman Williams moved to approve. Seconded by Councilman Bamonto.

Carried, all voting aye.

Request from Brittany Peterson to have a bounce house at the Koch's Pavilion at Point Gratiot on Saturday, September 10th for her child's birthday party.

Acting Councilwoman-at-large Szukala advised a motion to approve was needed and referred this to appropriate departments as well as approve subject to appropriate insurances and usual conditions.

Councilman Gonzalez moved to approve. Seconded by Councilman Bamonto.

Carried, all voting aye.

Request from Cancer Services Program to hold the 2nd Annual Colorburst Walk beginning at 10:00 AM Saturday, September 24th starting and ending at the Pillar of Fire Fellowship.

Acting Councilwoman-at-large Szukala advised a motion to approve was needed and referred this 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.

Notice of injury from Kelsie Briggs for damages allegedly received while riding her bike between Courtney and Talcott Street.

Councilman Bamonto moved to refer this to the Law Department. Seconded by Councilman Williams.

Carried, all voting aye.

Notice of Claim from Giovanni Pena for alleged damages to his vehicle while driving at Point Gratiot.

Notice of Claim Frederick Mackowiak for alleged damages to his property at 425 Cedar Street over a period of time due to lack of adequate turn around.

Councilman Gonzalez moved to refer to the Law Department. Seconded by Councilman Bamonto.

Carried, all voting aye.

Loudspeaker application from First Ward Falcons Club for live music on September 2nd, September 3rd & September 4th from 6:00 PM to 10:00 PM for their annual Labor Day Street Dance.

Loudspeaker application from Harvest Chapel Church for speakers and sound board on Sunday, September 11th from 1:00 PM until 5:00 PM at Point Gratiot Large Pavilion for a Church event.

Loudspeaker application from Christian Worship Center for speakers and microphones on Sunday, September 4th from 11:00 AM until 3:00 PM at Point Gratiot Large Pavilion for a Church service and picnic.

Loudspeaker application from Friendship Baptist Church for microphone and speakers on Saturday, August 20th from 12:00 PM until 4:00 PM at 18 East Second Street for an Adult Choir Gospel Fest.

Councilman Williams made a motion to approve. Seconded by Councilman Bamonto.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Williams advised that his next Public Works Committee Meeting is scheduled for Wednesday, August 24th at 4:00 PM in the Mayor's Conference Room, Cable Access meeting is Tuesday, August 23rd, inquired to Mayor Rosas for information on who is responsible for the locked can receptacles at the pier as well as if the Cable Access Director still gets paid even though he is absent, asked Public Works Director Bennice for an update on the WEX Cards as well as the locking of the City Barns and advised that the Union of University Professors at Fredonia State would like to submit a letter for Council Approval to have a Labor Day ceremony in front of City Hall.

Mayor Rosas advised that per the Cable Access Contract previously approved by Council Mr. Riewaldt still gets paid and that he is not sure who takes care of the can receptacles but that he will look into it.

Public Works Director Bennice advised that City Engineer Woodbury is handling the WEX cards and that the gates are being locked at 6:30 PM and reopening at 6:00 AM.

Councilman Bamonto inquired to Public Works Director Bennice for an update with the street paving, Deputy Director of Development Waite for an update with the Wright Park Amenities Grant, Building Inspector Zurawski for an update with Lucas Avenue demolition and to Mayor Rosas as to the amount of money raised at the Dunkirk/Fredonia Annual Cardinal Mindszenty Golf Tournament they attended last Friday.

Public Works Director Bennice advised that the 6th Street paving will begin on the 22nd as that is the day the shared services become available, 3rd Street, Mullet, McKinley and Eagle were CHIPS sealed and finished today and that all hydrants have been flushed.

Deputy Director of Development Waite advised that the Wright Park Amenities Grant is currently in the hands of NYS Department of Parks & Recreation and that she checks in frequently for a status update.

Building Inspector Zurawski advised that the land on Lucas Avenue is being cleared and secured and that the actual demolition should last approximately 60-90 days.

Mayor Rosas advised that approximately \$3,000 was raised for Camp Gross from the Golf Tournament.

Councilman Gonzalez advised that his next Economic Development Meeting is scheduled for Tuesday, September 20th at 4:00 PM in the Mayor's Conference Room, advised that he attended a CAC Meeting and spoke to the group in detail about the absentee landlord problem throughout the City and that he is currently compiling a list of addresses and phone numbers of the landlords.

Acting Councilwoman Szukala-at-large inquired to Mayor Rosas for an update with the Assistant Building Inspector position, City Treasurer Woods for an update on the Phase 3 Bonding, and asked Public Works Director Bennice if loose stones will remain due to the paving that was done on 3rd Street.

Mayor Rosas advised that the job description has been approved by the County and that he will have to meet with the Union to review as part of the process in eventually filling the position.

City Treasurer Woods advised that as soon as he receives the detailed budget he will proceed with the bond attorneys to draft the resolution authorizing Phase 3 of the project to start and that as long as the information needed is received in a timely manner it should be ready by the next Common Council Meeting.

Public Works Director Bennice advised that the stones work into the surface to seal it and that, depending on traffic, should be a blacktop surface within 3-4 days.

Councilman Williams thanked Police Chief Ortolano and all involved for a successful National Night Out.

PRE-FILED RESOLUTIONS:

RESOLUTION # 75 -2016
AUGUST 16, 2016

BY COUNCILMAN WILLIAMS AND COUNCILWOMAN SZUKALA:

**ACCEPTING INTERIOR COATING BID FOR BENTON WATER TANK OF CITY'S
WATER TREATMENT AND SUPPLY SYSTEM – Phase 3 – under 2009 Consent
Order**

WHEREAS, the City of Dunkirk, in 2009, entered into a Consent Order with the Chautauqua County Department of Health (CCDOH) to address certain inadequacies

related to the City's water treatment plant and water distribution system, and the Phase 3 items of the Consent Order are now ready to address according to the schedule dictated by CCDOH; and

WHEREAS, by notification letter of December 17, 2015, the City of Dunkirk's application for Phase 3 funding was granted by Governor Cuomo through the New York State Environmental Facilities Corporation (EFC) in the amount of \$2 million of grant funds and \$7 million in low-interest loan funds for this Phase 3 reconstruction of and construction of improvements to the City's water system pursuant to such Consent Order; and

WHEREAS, Mayor Wilfred Rosas subsequently negotiated on behalf of the City of Dunkirk for an approved increase of the grant portion of these EFC funds to be \$3 million; and

WHEREAS, the 2016 Phase 3 projects are listed as several items in the EFC grant application, and the Benton tank system improvement completion (Fourth Ward tank and pumps) is a priority on this list; and

WHEREAS, the Mayor was authorized and directed by Council Resolution 34-2016 to execute an agreement of services, on behalf of the City of Dunkirk, with HILL ENGINEERING OF NEW YORK, P.C., 8 Gibson Street, North East, PA, for water treatment facility Phase 3 work in regard to the 2009 Consent Order and such contract is so executed; and:

WHEREAS, said Council Resolution 34-2016, dated March 15 2016, further authorized and directed "that the EFC funds, and EFC fund administration requirements, for Phase 3 be set up by Fiscal Affairs as an income and expense City Fund, and that Phase 3 engineering services be paid from the engineering expense line of said City Fund for Phase 3"; and

WHEREAS, the DPW Committee was informed that the initial 2016 work is to be limited to the required interior re-coating of the Benton Tank because it is the primary active water service supply and fire protection for the Fourth and First Wards and for present and future industries to be served by the North County Water District easterly of the City of Dunkirk, and that following legal notice, sealed bids for this work were received and opened on August 5; and

WHEREAS, three bids were received – in the amounts of \$688,000, \$676,000, and \$384,479 – and that the low bid of \$384,479 by Global Contracting and Painting, PO Box 606, Orchard Park NY 14127, has been deemed responsible by DPW Director Gregory Bennice and by Consulting Engineer August Maas, who both recommend quickly accepting this bid so the work can be done during Summer and Fall weather to not delay the City water system being fully ready to supply the North County Water District, and said contract acceptance being subject to the contractor meeting all requirements of the EFC funding process; now therefore,

BE IT RESOLVED, that the Mayor is hereby authorized and directed to execute a contract for the interior re-coating of the City's Benton Water Tank at the low bid amount of \$384,479 with Global Contracting and Painting, PO Box 606, Orchard Park NY 14127, but subject to the contractor first supplying all necessary approvals from EFC to meet the EFC funding requirements for this work.

Councilman Gonzalez made a motion to Table Resolution #75-2016 until a Bond Resolution has been situated. Seconded by Councilman Bamonto.

Carried, all voting aye. TABLED.

RESOLUTION #76-2016
August 16, 2016

BY: COUNCILMAN WILLIAMS

AMENDING DUNKIRK CITY CODE
(§79-21070)

WHEREAS, The Zoning Code of the City of Dunkirk, in §79-21070, regulates the display of “Political Signs”; and

WHEREAS, The Supreme Court of the United States of America ruled, in Reed v. Town of Gilbert (2015), that “content based” restrictions of speech violate the First Amendment of the Constitution of the United States; now, therefore, be it

RESOLVED, that the City Code be amended, and that code section §79-21070 removed in its entirety. The Code section is included below as reference. The quoted portion of the City Code is removed.

“CITY CODE §79-21070, POLITICAL SIGNS

Temporary signs in support of a political party or candidate are permitted in all zones in the City of Dunkirk. Signs may be erected up to three (3) weeks prior to the election and must be removed within seven (7) days following the election. No political signs shall be permitted in the public right of way.”

Councilman Williams made a motion to table Resolution #76-2016 until a Public Hearing scheduled for Tuesday, September 6th, 2016 at 5:20 PM. Seconded by Councilman Bamonto.

Carried, all voting aye. TABLED.

ADJOURNMENT:

Councilman Gonzalez moved to adjourn. Seconded by Councilman Bamonto.

Carried, all voting aye.

Adjourned at 5:57 PM

Lillian R. Divine, City Clerk
