

COMMON COUNCIL PROCEEDINGS
October 04, 2016

The meeting was called to order at 5:31 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 Connolly, Public Works Director Bankoski, City Treasurer Woods, Fiscal Affairs Officer Halas, Building Inspector Zurawski, Clerk, Board of Assessors Mleczo, Personnel Administrator Heyden, Director of Development Yanus, Fire Chief Edwards and Police Chief Ortolano.

Certification of Tuesday, September 20, 2016 meeting was read by City Clerk Divine.

RESOLVED: That the reading of the minutes of Tuesday, September 20, 2016 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

Monica Kemp, 2374 Whittaker Road, provided details of fees, required land and liability waivers that would be needed to start a dog park, advised it is a safer place for dogs and people to interact socially and that the area needs more things for young professionals to do.

Sharron Smith, Jennifer Schrantz, Theodore Glendenning, Jamie Thompson, William Moderno, Olivia Thompson and Gina Paradis all spoke in favor of seeing a dog park in the City.

Dan Virgo, 30 Perry Street, Dunkirk, advised of chopped up blacktop on his street that he would like to see replaced/repared.

Bernice Sedlmayer, 150 West 5th Street, Dunkirk, advised she would like to see the trick or treat hours changed from 3:00 PM until 6:00 PM as the hours are too long, it's not safe since it gets dark so early and many elderly do not feel safe answering their doors so late at night.

Eddie Paredes, 12 St. Hedwig Ave, Dunkirk, advised that he believes 6:00 PM is too early of a time to end the trick or treat hours for working parents and that he is in favor of a dog park in the City.

Bruni Soto, 512 Woodrow Avenue, Dunkirk, spoke in favor of a dog park in the City and that she believes the trick or treat hours should be cut down from 4:00 PM until 7:00 PM.

Tom Taylor, 223 Temple, Dunkirk, advised that he is a dog lover but feels it is the responsibility of the owner to take care of their pets, the City should not be in the dog park business and that this could open up a "Pandora's Box".

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Rosas advised that he has received a letter of resignation from the Zoning Board Chairman Robert Bankoski and will be looking to fill that position by the end of the week.

Mayor Rosas advised that the City Planning & Development Team has a presentation scheduled with Brooks Hospital Representatives on Thursday, October 6th at 10:00 AM to discuss new site possibilities and that the Farmer's Market had a successful year, is looking for volunteers for next year and thanked Sara Sorci, Chautauqua County Health Network, farmers, vendors, organizations, volunteers and customers that made this a great year.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Notice of Claim from Lance Bronnenkant for injuries allegedly sustained in a bicycle accident between 12:00 and 1:00 PM on June 19th, 2016.

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

Carried, all voting aye.

Request from Monica Kemp of the Dog Park Advisory Committee for a Dog Park on Cedar Beach.

Councilman-at-Large Woloszyn advised this petition will just be received and filed until a formal Resolution is presented to the Council to be acted on and thanked everyone for the turnout at tonight's meeting.

Received and filed.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Williams advised that it was brought up at the last Cable Board Meeting that it is hard to hear the people in the gallery speak and hopes that the new equipment helps.

Councilman Bamonto inquired to Building Inspector Zurawski for an update on the Lucas Avenue project and the 3rd Street houses, Public Works Director Bankoski for an update on the Rec. Center and thanked Police Chief Ortolano and Fire Chief Edwards for attending the Homecoming Parade and inquired how it came about that both had vehicles in the Parade.

Building Inspector Zurawski advised that the Lucas Avenue demolition is proceeding as scheduled and that one of the houses will be demolished while the other is planning to be rehabbed.

Public Works Director Bankoski advised he and Youth and Recreation Program Coordinator Hall met with Mr. Harrington at the Fairgrounds where he was given a tour and they will meet with the Mayor to discuss concerns.

Police Chief Ortolano advised that both he and Fire Chief Edwards were requested to be a part of the event, the kids they interacted with were all respectful and that the huge turnout is great for the Community.

Councilman Gonzalez advised that his next Economic Development Meeting is scheduled for Tuesday, October 18th at 4:00 PM in the Mayor’s Conference Room, invited Ms. Kemp and City Attorney Connolly to attend to discuss questions/concerns about a dog park and that Council will do the best they can on the Halloween hours.

Councilwoman Szukala informed Building Inspector Zurawski of overgrowth at the Alstar facility on Monroe Street, asked Mayor Rosas if he has spoken to Mr. Pringle about his 2017 plans and advised that a City resident informed her of a website for the Arbor Day Foundation where trees are donated for specific parcels and that she would like to see Council members make a private donation to possibly get some trees planted on the City’s behalf.

Mayor Rosas advised that he has not yet had any conversations but have made contact and will be setting up a meeting.

Councilman-at-large Woloszyn thanked everyone for speaking during the privilege of the floor and advised that his next Finance Committee Meeting is scheduled for October 20th at 4:00 PM in the Mayor’s Conference Room.

Fire Chief Edwards advised that October is Fire Prevention Month and that the City will be holding its 2nd Annual City wide fire drill on Tuesday, October 11th from 6:00 PM until 7:30 PM, there will be crews on the street and that if anyone has any issues they can always call the Department at 366-2577.

UNFINISHED BUSINESS:

RESOLUTION #81-2016
September 20, 2016

BY: COUNCILWOMAN SZUKALA

ESTABLISHING HALLOWEEN TRICK-OR-TREAT HOURS

Now, therefore, be it

RESOLVED, that house-to-house trick-or-treat hours in the City of Dunkirk on Halloween, Monday, October 31, 2016, shall be from 4:00 P.M. to 8:00 P.M.

Councilman Gonzalez made a motion to remove Resolution #81-2016 from the table. Seconded by Councilman Williams.

Carried, all voting aye. REMOVED.

Councilman Williams made a motion to Amend Resolution #81-2016 to show the hours of 4:00 PM to 7:00 PM. Seconded by Councilman Bamonto.

Vote to Amend Resolution:

Ayes: Councilman Williams, Bamonto and Councilman Gonzalez.

No: Councilwoman Szukala and Councilman-at-large Woloszyn.

Carried, 3-2. AMENDED.

RESOLUTION #81-2016
September 20, 2016

BY: COUNCILWOMAN SZUKALA

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RESOLVED, that house-to-house trick-or-treat hours in the City of Dunkirk on Halloween, Monday, October 31, 2016, shall be from 4:00 P.M. to 7:00 P.M.

Vote on Resolution as Amended:

Ayes: Councilman Williams, Bamonto and Councilman Gonzalez.

No: Councilwoman Szukala and Councilman-at-large Woloszyn.

Carried, 3-2.

PRE-FILED RESOLUTIONS:

RESOLUTION # 87-2016
October 4, 2016

BY THE ENTIRE COUNCIL:

LOCAL LAW NO. 1-2016
CITY OF DUNKIRK

A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT
ESTABLISHED IN GENERAL MUNICIPAL LAW 3-c

BE IT ENACTED by the City Council of the City of Dunkirk, New York, as follows:

Section 1 Purpose. It is the purpose of this Local Law to override the limit on the amount of real property taxes that may be levied by the City of Dunkirk, County of Chautauqua, pursuant to General Municipal Law, Section 3-c, and to allow the City of Dunkirk, County of Chautauqua, to adopt a budget for general city purposes and any other special or improvement district governed by the Common Council for the fiscal year 2017 that requires a real property tax levy in excess of the tax levy limit as defined in General Municipal Law, Section 3-c.

Section 2 Authority. This Local Law is adopted pursuant to subdivision five of General Municipal Law, Section 3-c, which authorizes the Common Council to override the tax levy limit set forth in the statute by adoption of a local law approved by a vote of sixty percent (60%) of the Common Council, adopted prior to the adoption of the budget by the Common Council.

Section 3 Override. The Common Council of the City of Dunkirk, County of Chautauqua, is hereby authorized to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the limit specified in General Municipal Law, Section 3-c. That said override applies to all special districts in the City of Dunkirk, for which the Common Council is the governing body, as the same has been interpreted and determined by the Office of the State Comptroller of the State of New York.

Section 4 Severability. If any clause, sentence, paragraph, subdivision, or part of this Local Law, and the application thereof, to any person, firm, corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not effect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or its application directly involved in the controversy in which such judgment or order shall be rendered by a court of competent jurisdiction.

Section 5 Effective Date. This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

Councilwoman Szukala made a motion to table Resolution #87-2016 for a Public Hearing to be held on Tuesday, October 18th at 5:20 PM. Seconded by Councilman Williams.

Carried, all voting aye. TABLED.

RESOLUTION # 88-2016
October 4, 2016

BY: ENTIRE COUNCIL

CONSENT TO NEW YORK STATE FINANCIAL RESTRUCTURING BOARD REVIEW

WHEREAS, the City of Dunkirk is facing serious fiscal issues in the near future, including but not limited to loss of large PILOT payments and the possibility of reaching the constitutional limit on property taxes; and

WHEREAS, the City may benefit from the non-binding advice of the New York State Financial Restructuring Board; now, therefore, be it

RESOLVED, that the City of Dunkirk, as deemed a fiscally eligible municipality by the State Comptroller’s Office of the State of New York, requests the financial restructuring board to undertake a comprehensive review of the operations, finances, management practices, economic base and any other factors that in its sole discretion it deems relevant to be able to make findings and recommendations on reforming and restructuring the operations of the City of Dunkirk.

Councilman Williams asked Mayor Rosas if the City Unions were in support of this.

Mayor Rosas advised that he had met with the President’s of all four of the City’s Unions and they were all in agreement on this.

Councilwoman Szukala advised that this is not a Control Board and asked Mayor Rosas to explain the details of this Financial Restructuring Board.

Mayor Rosas provided details of the Financial Restructuring Board and then discussion was held between Council and the Mayor on time frames, possible monetary assistance and purposes.

Councilman-at-large Woloszyn advised that this is not a “quick fix” and that any interested individuals can go to the State’s Website where informative details and information is provided.

Carried, all voting aye.

RESOLUTION # 89-2016
OCTOBER 4, 2016

BY: THE ENTIRE COUNCIL

**AUTHORIZING MAYOR TO EXECUTE
CHAUTAUQUA COUNTY AGREEMENT AMENDMENT
(SNOW REMOVAL AND ICE CONTROL)**

WHEREAS, the City is seasonally reimbursed by Chautauqua County for snow removal and ice control on County routes within the City, and

WHEREAS, the County has requested an amendment of the current agreement, 16-25-02A, for said services; now, therefore, be it hereby

RESOLVED, upon the recommendation of Director of Public Works Robert Bankoski, that the Mayor be, and hereby is, authorized and directed to execute an agreement on behalf of the City of Dunkirk, amending appendix D of the current agreement to read as follows:

<u>Mileage</u>	<u>CR and Road Name</u>	<u>Directions</u>
1.21	Brigham Road	C Dunkirk Boundary to W Fourth St
0.35	Middle Road	NY 5 to Ocelot St
0.12	Middle Road	Ocelot St to Warsaw St
0.08	Middle Road	Warsaw St to Conrail Tracks
0.16	Middle Road	Conrail Tracks to C Dunk Bdy
0.67	Roberts Road	Urban Rd/121U to Talcott ST
0.31	Roberts Road	Talcott St to NY 5

Carried, all voting aye.

RESOLUTION # 90-2016
October 4, 2016

APPROVING SURPLUS EQUIPMENT DECLARATION FOR DISPOSAL

BY: COUNCILMAN WILLIAMS

WHEREAS, it has been determined that several motor vehicles are inoperable or no longer useful for City purposes; and,

WHEREAS, such motor vehicles are to be declared surplus and for disposal; now, therefore, be it hereby

RESOLVED, that the Common Council, based upon the recommendation of the respective Department Heads, has determined and declared the following motor vehicles to be declared surplus:

DEPARTMENT	YEAR	MAKE	MODEL	BODY TYPE	ID NUM
FIRE	1975	WARD LAFRANCE	FIRE TRUCK	PUMPER	80-1072
STREET	1958	GALION	ROLLER	ROLLER	ST-43
STREET	1962	ARMY	CARGO	TRAILER	3498
STREET	1991	GIANT-VAC	6800	LEAF VACUUM	ST-25
STREET	1994	MORBARK	EZ 17	CHIPPER	PK-9
STREET	2006	NEWHOLLAND	LW170B	WHEEL LOADER	ST-62
WATER	1998	CHEVROLET	ASTRO	VAN	WD-8
DPW ADMIN	1999	FORD	EXPED	4 x 4	EN-1
POLICE	1995	CHEVROLET	S-10	PICKUP	NA
POLICE	2002	FORD	EXP	4 x 4	D-6
POLICE	2010	FORD	CROWN VICTORIA	4DSD	D-5

and, be it further

RESOLVED, that the Director of Public Works is hereby authorized to dispose of the above motor vehicles through the eBay internet auction site and that for those items not receiving bids, the Director of Public Works is hereby authorized to dispose of such motor vehicles in the best interest of the City, consistent with obtaining the highest price for such motor vehicles, at the discretion of the Director of Public Works; and, be it finally

RESOLVED, that the Director of Public Works submit to the Council a report of the disposition of such motor vehicles, including purchaser, purchase price and method of sale.

Councilwoman Szukala made a motion to amend Resolution #90-2016 to “add 2000 Fire Command Chevrolet Blazer, Parks’ old Jacobson utility trailer, Waste Water Treatments International Load Lugger, Waste Water Treatment two old 300 HP motors, 3 Pallets of used truck tires/equipment tires, 2 army water pumps, 1 John Deere walk behind mower and 1 John Deere riding lawn mower with proceeds credited to line #000-0001-2650.” Seconded by Councilman Williams.

Carried, all voting aye. AMENDED.

RESOLUTION # 90-2016

October 4, 2016

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POLICE	2002	FORD	EXP	4 x 4	D-6
POLICE	2010	FORD	CROWN VICTORIA	4DSD	D-5
FIRE	2000	CHEVROLET	BLAZER	SUBN	
PARKS		JACOBSON		TRAILER	

DPW		INTERNATIONAL	LOAD LUGGER		
DPW		2x300HP MOTORS			
DPW		USED TIRES			
DPW		ARMY WATER PUMPS			
DPW		JOHN DEERE	MOWER	WALK BEHIND	
DPW		JOHN DEERE	MOWER	RIDING	

and, be it further

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RESOLVED, that the proceeds of the sales be credited to Line Number 000-0001-2650; and, be it finally

RESOLVED, that the Director of Public Works submit to the Council a report of the disposition of such motor vehicles, including purchaser, purchase price and method of sale.

Carried, all voting aye.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Adjourned at 6:25 PM

Lillian R. Divine, City Clerk
