

**PUBLIC HEARING**  
**October 18, 2016**

The public hearing was called to order at 5:21 PM by Councilman-at-large Woloszyn.

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, Clerk, Board of Assessors Mleczeko, Personnel Administrator Heyden, Director of Development Yanus, Fire Chief Edwards 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 #87-2016, Intro to Local Law No. 1-2016 City of Dunkirk, A Local Law to override the Tax Levy Limit established in General Municipal Law 3-c.

**PUBLIC COMMENTS:**

No one spoke.

**Public Hearing closed at 5:22 PM**

**Lillian R. Divine, City Clerk**

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**COMMON COUNCIL PROCEEDINGS**  
**October 18, 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 Connolly, Public Works Director Bankoski, City Treasurer Woods, Fiscal Affairs Officer Halas, Building Inspector Zurawski, Clerk, Board of Assessors Mleczeko, Personnel Administrator Heyden, Director of Development Yanus, Fire Chief Edwards and Police Chief Ortolano.

Certification of Tuesday, October 4, 2016 meeting was read by City Clerk Divine.

**RESOLVED:** That the reading of the minutes of Tuesday, October 4, 2016 be dispensed with.

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

Carried, all voting aye.

**PUBLIC COMMENTS:**

No one spoke.

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

Mayor Rosas announced the City of Dunkirk has received a grant of \$125,000.00 through the Local Initiatives Support Corporation (LISC) to combat zombie properties. The City proposed a city-wide survey of all residential properties to get a baseline of housing conditions in the city and to be able to easily identify vacant and abandoned properties and their owners. Mayor Rosas stated the grant will enable us to more easily guide people to foreclosure prevention services and statewide initiatives and it will also help identify where CDBG funds should be spent in future years.

Mayor Rosas stated on October 6<sup>th</sup> three locations were presented to Brooks Hospital for the possible relocation of the hospital within the city. These locations include Edgewood property site, Holy Trinity site and Willowbrook Avenue site, advised they were very impressed with the presentation and seemed interested in the first site; it was made clear to the City that the hospital will be selecting its site within the next week.

Mayor Rosas announced the next business roundtable will be held tomorrow, Wednesday, October 19<sup>th</sup> at 8:30 AM and will feature businesses located along Central Avenue and stated these business roundtables continue to produce great feedback on how the City can help the businesses and community of Dunkirk.

Mayor Rosas gave Planning and Development Director Yanus the opportunity to speak at this time.

Planning and Department of Development Director Yanus spoke in regard to the Smart Growth America Grant, stated the Mayor asked her to look into grants that would assist in the rebuilding of our downtown district and announced she submitted a grant last Thursday which would assistance the Development Department (through a two-day workshop) with the tools and knowledge in the redevelopment of our downtown district. Development Director Yanus advised approval for this grant will be announced during the first week of November.

Planning and Development Director Yanus announced a Public Hearing for the Brownfield Opportunity Area Step II Grant will be held tomorrow, October 19<sup>th</sup> at 5:30 PM at the SUNY Fredonia Incubator and invited the public to attend.

Mayor Rosas advised he has released his 2017 Proposed Budget Message to the council.

Mayor Rosas Budget Message and Proposed Budget for 2017.

Councilman-at-large Woloszyn advised by law a motion for a Public Hearing was needed.

Councilwoman Szukala motioned for a Public Hearing to be held on Tuesday, November 1, 2016 at 5:20 PM in the court room. Seconded by Councilman Williams.

Carried, all voting aye.

**COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**

Request from Gina Palermo for proper signage in front of City Hall to indicate the building has elevator access.

Councilman-at-large Woloszyn advised a motion to refer to the Department of Public Works was needed.

Councilman Williams motioned to approve. Seconded by Councilman Bamonto.

Carried, all voting aye.

Request from Harvest Chapel Church to use Washington Park on Saturday, December 10<sup>th</sup> from 2:00 PM until 4:00 PM with an additional hour at each end for set-up and clean up for their "Christmas in Washington Park." Also requesting to set-up tents and a lawn tractor for train rides.

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 motioned to approve. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Request from Loretta Slaton Torain on behalf of the Juneteenth Celebration Committee to use Memorial Park on Saturday, June 17, 2017 and Sunday, June 18, 2017 for their annual Juneteen Celebration. Also requesting the use of picnic tables, electricity, water and portable toilets.

Councilwoman Szukala advised the group needs to submit a loudspeaker permit and advised the city does not provide portable toilets.

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.

Councilwoman Szukala motioned to approve. Seconded by Councilman Williams.

Carried, all voting aye.

Request from the Historical Society of Dunkirk to recognize October 30<sup>th</sup> as Horatio G. Brooks Day in the City of Dunkirk this year and annually.

Received and filed.

Request from the Lakeshore Humane Society to make the third weekend of June the official weekend for the Pat McGee Memorial Dog Walk starting June 2017 and into the future.

Councilman-at-large Woloszyn advised this petition was pulled from the agenda during the workshop session for more information.

Notice of Claim from Richard Zappie for damages allegedly sustained to his vehicle while driving on Willowbrook Avenue on September 12, 2016 at approximately 4:30 PM.

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

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

Carried, all voting aye.

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

Councilman Williams announced tonight's Common Council meeting will not be broadcast live due to technical difficulties, however, the meeting is being recorded and will be broadcasted on Cable Access 12 throughout the week.

Councilman Williams advised next week's Public Works Committee Meeting will be cancelled; stated he recently attended a Dunkirk Housing Authority meeting, they are seeking street cameras for their properties and asked Department of Development Director Yanus to look for possible grants

Department of Development Director Yanus advised her department will look into this and will speak with the Chief of Police for assistance or guidance regarding camera grant opportunities.

Councilman Bamonto inquired about the repair work on the 400 block of Robin Street and W. Seventh Street.

Department of Public Works Bankoski advised there is a private contractor replacing the gas lines for National Fuel, however, there have been a few problems where this company has hit several waterlines; the city has repaired those waterlines and the contractor is only scheduled to repair that portion of the city.

Department of Public Works Director Bankoski advised there is flooding problems in that area, top soil has been placed down and it will be graded and seeded within the next few days. Department of Public Works Director Bankoski also advised a lot of work is taking place on Lucas Avenue at the DPW garage; the berm there is being taken down, the old fence is being removed and will be replaced with 25 spruce trees.

Councilman Bamonto asked Mayor Rosas for an update on union contract negotiations.

Mayor Rosas advised negotiations are ongoing.

Councilman Bamonto asked Building/Zoning Officer Zurawski about a grant for the Crooked Brook/W. Fifth Street area.

Building/Zoning Officer Zurawski advised he has no knowledge of the matter.

City Attorney Connelly advised he has no new information regarding this matter.

Councilman Gonzalez advised an Economic and Development Committee Meeting was held prior to tonight's council meeting and stated zombie properties, the proposed Dog Park and

the Farmers Market were discussed during that meeting and asked Department of Development Director Yanus to explain zombie properties and the grant that was awarded to the City.

Department of Development Director Yanus reiterated the city was awarded a grant of \$125,000.00, that will be used to help identify vacant, abandoned, and zombie properties which can now be reported to the state through a database and to prevent different types foreclosures and keep homeowners in their homes and bolster city departments. Department of Development Director Yanus advised several city proposals include hiring an outside firm to do a survey of residential property within the city; the survey could be designed by the city to tell the us how to guide our limited resources and could be used as a mapping tool to help locate a cluster of zombie properties in the city.

Councilwoman Szukala advised Public Works Director Bankoski of a faded stop sign on the corner of Washington Avenue and E. Second Street and asked if the sign could be replaced; thanked him for the repairing a No Truck sign on Doughty Street near the fire hall and asked for an update on the Bucknor Street drainage project.

Public Works Director Bankoski advised he was in that area today and is unsure of the completion status of this project.

Councilwoman Szukala asked Mayor Rosas has he had any meetings or conversations recently with the individual who is purchasing all the property on Central Avenue.

Mayor Rosas advised he has not had any meetings or conversations recently with the individual who is purchasing the properties and the last meeting he had was held approximately one and a half to two months ago.

Councilman-at-large Woloszyn advised the next Finance Committee Meeting will be held this Thursday, October 20<sup>th</sup> at 4:00 PM in City Hall.

Councilman-at-large Woloszyn spoke in regard to the railroad tracks that go through the Fourth Ward in the City and stated the railroad company hastily cut the streets and the sidewalks and dropped a third rail in there. He asked Department of Public Works Director Bankoski "do you know what they are up to?"

Department of Public Works Director Bankoski advised he does not have any information regarding this matter; stated there are six individuals who work the railroad tracks from Buffalo, New York to Erie, Pennsylvania and they are in the city on Tuesdays and Thursdays only. Department of Public Works Director Bankoski advised he was able to obtain a contact name and number and stated he will contact Rail Master Charlie Griffith regarding this matter.

**UNFINISHED BUSINESS:**

**RESOLUTION # 87-2016**  
**October 4, 2016**

**BY THE ENTIRE COUNCIL:**

**INTRO NO. 1 TO 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.

Councilman-at-large Woloszyn asked for a motion to remove this Resolution from the table.

No member of council motioned to remove this Resolution from the table.

Resolution remains tabled.

**PRE-FILED RESOLUTIONS:**

None.

**ADJOURNMENT:**

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

**Adjourned at 5:56 PM**

**Lillian R. Divine, City Clerk**

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