

**COMMON COUNCIL PROCEEDINGS**  
**December 05, 2017**

The meeting was called to order at 5:57 PM by Councilman-at-Large Woloszyn followed by the Pledge of Allegiance.

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

Also present: Mayor Rosas, City Attorney Morrisroe, City Treasurer Woods, Board of Assessors Mleczek, Clerk, Public Works Director Woodbury, Fiscal Affairs Officer Beach, Building Inspector Zurawski, Personnel Administrator Heyden, Executive Assistant to the Mayor Westling, Director of Development Yanus, Festivals & Special Events Director Rosas, Fire Chief Edwards and Police Chief Ortolano.

Councilman-at-Large Woloszyn advised for a motion to dispense with the minutes.

Councilman Williams made a motion to dispense with the minutes. Seconded by Councilman Bamonto.

Carried, all voting aye.

**PUBLIC COMMENTS:**

John and Valerie Mackowiak of 46 Otter Street expressed concern over the unopened street behind the Otter Street property being given to the Battery Point Developers without notifying the owners of the properties bordering this street. It would be appreciated if equal shares of the street be given to the developers and the property owners; that is 33 feet each. This would give continuity to all the properties on the East side of Otter Street, just as the home owners from Lake Shore Drive to Pine Street already have 33 feet of that street. The Mackowiak's advised they provided the Councilmembers with a tax map high lighting the 33 feet of street on Lake Shore Drive and Pine Street. Mr. Mackowiak also expressed concern over rain water that flows from Otter Street and Ounce Street onto unopened Pine Street which creates pools of water that become stagnant.

James Ziemba of 82 Otter Street expressed concern over the drainage problems on Otter Street and a 36' deteriorated pipe that has rotted away and needs to be addressed. He advised when it rains on Otter Street and Lake Shore Drive both streets have places where the water does not have a place to go. He advised recently the police had to shut down Route 5 when there was a down pour and advised this problem needs to be addressed before the construction of the incoming new complex. Mr. Ziemba inquired if any studies have been done on this problem.

Cassandra Lang of 78 West Second Street reported Second and Swan Street have the smell of gas and inquired what can be done about it.

Councilman-at-Large Woloszyn advised Ms. Lang if she smells gas to call National Fuel.

James Bickhart, President of the Local Steelworkers Organization of Active Retirees, commended Mayor Rosas, Executive Assistant to the Mayor Westling, Councilmen Williams & Bamonto, and the membership of Local 2693 for coming to ratify the contract and bringing it to

vote for ratification at the council meeting. He advised it has been 7 long years without an agreement.

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

Mayor Rosas announced the project at the Point is making good progress, there was a ground breaking at the Waste Water Treatment Plant in reference to the ten million dollar project, and there was a ground breaking this week at Howard Street for the bridge. Mayor Rosas commended Public Works Director Woodbury for his hard work, time, and effort for the last two projects mentioned.

Mayor Rosas also proclaimed Tuesday, December 5, 2017 as "Globus Relief Day". Mayor Rosas asked Special Events Coordinator Rosas to present the proclamation to Ms. Tammy Barreca-Will, Philanthropist of Globus Relief (a Utah company), for her company's support and partnership with the City of Dunkirk to get medical supplies to the hurricane ravaged island of Puerto Rico and for additional services to the displaced hurricane victims.

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

Notice of Claim from Bonnie Orchard for alleged injuries sustained from a fall on the sidewalk at 3<sup>rd</sup> Street and Swan Street on October 3, 2017.

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

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

Carried, all voting aye.

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

Councilman Williams asked City Attorney Morrisroe what process would need to be followed to get the residents on Otter Street the 33 feet they asked about earlier in this meeting and asked Public Works Director Woodbury about leaf pick up in the City.

Attorney Morrisroe advised there were several issues here. The Council already voted to transfer the title to Lake Erie Development; that's done. Council would have to take action to revisit the issue. They are late in the process to transfer title of the paper street, but early in the process of the Site Plan. They still have not come before the planning board. There are still opportunities to see how that property is going to be used from the Site Plan.

Development Director Yanus advised the group came before the Planning Board for a preliminary site plan review. They will be back in January with a plan for the drainage and for the final site plan review. This would be the meeting where the Planning Board will have their opportunity to dictate what happens there.

Public Works Director Woodbury thanked the Otter Street residents for informing the City on the drainage problem in their area and advised he would like to meet with the neighbors to see the problem first hand and then would see if he can give a good answer. He also advised sometimes development is a good thing because it can make things better for a wide area. The problem will be studied and will work toward some answers. As to the leaf pick up in the City, Public Works Director Woodbury advised the Street and Parks Departments have been working on picking them up and are making progress.

Councilman Bamonto asked Public Works Director Woodbury for clarification on the Lucas Avenue Site.

Public Works Director Woodbury offered an apology for incorrectly answering a question at the last Department of Public Works Meeting that caused some confusion. He advised he attends the meetings on the cleanup of the Al Tech Superfund site administered by the NYS Environmental Conservation and had some misunderstandings on the complications of that project. He clarified that the property will be developable for commercial and industrial use. The DEC will bring the property up to standard and there will be guidance on how to develop it.

Councilman Gonzalez advised he was happy to hear from the DEC representative that attended the Common Council workshop today and that he reported good news on the Lucas Ave cleanup site and that it will be able to be used in the future. Councilman Gonzalez reminded Public Works Director Woodbury of the need for a snow fence in Washington Park and announced the next Economic Development Board Meeting will be held on Tuesday, December 19, 2017 at 4:00 PM in the Mayor's Conference Room.

Councilman-at-Large Woloszyn inquired from Fiscal Affairs Officer Beach for an update on the 2016 Audit.

Fiscal Affairs Officer Beach advised the Audit should be finalized in the next week or two.

**PRE-FILED RESOLUTIONS:**

**RESOLUTION # 114-2017**

**December 5, 2017**

**BY: COUNCILMAN WILLIAMS and COUNCILMAN BAMONTO:**

**RATIFICATION OF AGREEMENT BETWEEN THE  
CITY OF DUNKIRK AND THE  
UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING,  
ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS  
INTERNATIONAL UNION  
AFL-CIO-CLC  
LOCAL 2693 COD  
FOR JANUARY 1, 2011 THROUGH DECEMBER 31, 2020**

**WHEREAS**, The City of Dunkirk and the UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION AFL-CIO-CLC, LOCAL 2693 COD (USW 2693) 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, 2010; and

**WHEREAS**, after negotiations, the City and the USW 2693 have signed a Memorandum of Agreement regarding said proposed contract; and

**WHEREAS**, the Civil Service Law requires that this Common Council review and vote upon the issue of 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 the City and the USW 2693, on behalf of the City of Dunkirk for the years 2011 through 2020.

Councilman Bamonto advised he would be voting Yes to this resolution, he is a cosponsor of this resolution, believes this is a good contract for the City and the Union, and thanked the Mayor and all those who participated in the negotiations.

Councilman Williams advised he would be voting yes to this resolution as he also is a cosponsor of the resolution; it has been seven long years without an agreement, thanked James Bickhart of Local 2693 for speaking at this meeting, and agreed with Councilman Bamonto that this contract is good for the City as well as the employees.

Councilwoman Szukala advised though she agreed with almost all the points in the contract; she does not agree with the last point in the contract in which the employees do not have to pay toward their health insurance. Therefore, she will be voting No to the agreement.

Councilman Gonzalez advised that he had some concerns over the union members not having to contribute anything into their health benefits. However, he is pleased with most of the contract and will be voting Yes to the resolution.

Councilman-at-Large Woloszyn advised he would be voting Yes on this proposition based on the cumulative cost going back to 2011 and ending in 2020. The cumulative cost is very minimal. However, he shares the same sentiments of Councilwoman Szukala regarding the cost of health care and going forward his goal will be to inspect the health insurance coverage and the payments as more contracts come up.

Vote on Resolution:

Ayes: Councilmen Williams, Bamonto, Gonzalez, and Councilman-at-Large Woloszyn.

No: Councilwoman Szukala.

Carried, 4-1.

**RESOLUTION # 115 -2017**

**December 5, 2017**

**BY ENTIRE COUNCIL:**

**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 #</b>	<b>Revenue</b>	<b>Line</b>	<b>Change</b>
001.0001.1081.0811		PILOT Housing Auth	\$ 1,611.00
001.0001.1090.0903		Real Prop Int/Pen	\$ 693.40
001.0001.1589		Nuisance Abatement	\$ 6,297.50
001.0001.2001		Recreation Program	\$ 4,322.50
001.0001.2071		Contribution Dog Pk	\$ 10,000.00
001.0001.2110		Zoning Fees	\$ 2,005.00
001.0001.2132		Job Order Chgs	\$ 12,715.99
001.0001.2279		Brownfield Opp Program	\$ 42,282.45
001.0001.2351		Programs for Aging	\$ 3,500.00
001.0001.2544		Dog Licenses	\$ 13,807.50
001.0001.2555		Bldg/Alterations	\$ 14,280.00
001.0001.2770.7704		Unclass Rev W/C Reimb	\$ 113,406.42
	<b>TOTAL</b>		<b>\$ 224,921.76</b>

<b>Account Number</b>	<b>Department</b>	<b>Line</b>	<b>Change</b>
001.3120.1000	Police	Personal Services	\$ 81,044.19
(Worker Comp Reimbursement)			

<b>TOTAL</b>	<b>\$ 81,044.19</b>
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**Fund 2 -Water Fund**

<b>Account #</b>	<b>Revenue</b>	<b>Line</b>	<b>Change</b>
002.0002.2140.1403		Metered Water-Ind	\$ 80,606.23
002.0002.2140.1405		Metered Water-Res	\$( 64,000.00)
<b>TOTAL</b>			<b>\$ 16,606.23</b>

**Fund 3 – Wastewater Treatment Fund**

<b>Account #</b>	<b>Revenue</b>	<b>Line</b>	<b>Change</b>
003.0003.2120.2123		Sewer Rents-Ind	\$ 82,984.12
<b>TOTAL</b>			<b>\$ 82,984.12</b>

Councilwoman Szukala advised the Council was given a new Resolution 115 due to a typo in the original, so the bottom numbers have been changed to reflect a positive number not a negative number.

Vote on Resolution:

Carried, all voting aye.

**RESOLUTION #116-2017**  
**DECEMBER 5, 2017**

**BY: ENTIRE COUNCIL**

**AUTHORIZING AGREEMENT TO PROVIDE DRUG/ALCOHOL TESTING  
(LANGFORD TESTING AND CONSULTING)**

**WHEREAS**, the Department of Transportation (DOT) requires standard random selection drug testing for employees possessing a CDL license; and

**WHEREAS**, the City utilizes a pre-employment screening protocol for various employees; and

**WHEREAS**, the DOT requires written reports regarding the City's compliance with such drug testing requirements; and

**WHEREAS**, the City has obtained quotes from three vendors and has undertaken a vendor comparison which provides that Langford Testing and Consulting can provide the required services in a good and workmanlike manner at the lowest cost; now, therefore, be it

**RESOLVED**, the Mayor is authorized and directed to enter into an agreement with **Langford Testing and Consulting**, 52 Berry Road, Fredonia, New York 14063, for the administration of the required drug/alcohol testing program for 2018, including providing compliance with Department of Transportation requirements.

Vote on Resolution:

Carried, all voting aye.

**RESOLUTION #117-2017**  
**December 5, 2017**

**BY: ENTIRE COUNCIL**

**AUTHORIZING GRANT APPLICATION  
RESTORE NY COMMUNITIES INITIATIVE**

**WHEREAS**, the City of Dunkirk is applying to Empire State Development's (ESD) Restore New York Municipal Grant Program for a project located at 23-25 Lake Shore Drive East in the territorial jurisdiction of the City; and,

**WHEREAS**, the proposed project is consistent with the City's Brownfield Opportunity Area (BOA) Plan and Economic Development Plan for the waterfront and acts as a driver to promote economic development and reinvestment in a vacant building, and

**WHEREAS**, the proposed financing of \$1,000,000 in grant funding is appropriate for the specific project; and

**WHEREAS**, if successful, owners Gerald T. Burgess and Mark A. Shaw will commit the required match of 10% of the awarded amount in cash and in-kind contributions; and

**WHEREAS**, as a requirement of the program, the City must obtain 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 Restore New York

Communities Initiative Municipal Grant Program through Empire State Development for a project located within this community, and authorizes and directs such application be made to ESD.

Vote on Resolution:

Carried, all voting aye.

Before the close of the meeting, City Attorney Morrisroe announced he would be convening a small working group to revisit the Floremo Plan and. He advised the Plan was all well intended, but it only focuses on one aspect of the issue of properties that are not up to code and properties that are essentially falling apart. A more multifaceted approach is necessary, so City Attorney Morrisroe announced he will be asking some of the administration, council, and public to meet with him beginning in January to come up with a revised Plan to address that issue from a few different angles.

**ADJOURNMENT:**

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

**Adjourned at 6:34 PM**

**Edwin C. Ramos, City Clerk**

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