

**PUBLIC HEARING  
December 06, 2016**

The public hearing was called to order at 5:22 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 Mleczo, Personnel Administrator Heyden, Director of Development Yanus, Festivals and Special Events Coordinator Rosas, 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 #97-2016 entitled Resolution Adopting 2017 Fiscal Year Budget.

**PUBLIC COMMENTS:**

No one spoke.

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

**Lillian R. Divine, City Clerk**

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**COMMON COUNCIL PROCEEDINGS  
December 06, 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, Clerk, Board of Assessors Mleczo, Personnel Administrator Heyden, Director of Development Yanus, Festivals and Special Events Coordinator Rosas, Fire Chief Edwards and Police Chief Ortolano.

Excused: Building Inspector Zurawski

Certification of Monday, November 14<sup>th</sup> Special Meeting, Tuesday, November 15<sup>th</sup> Common Council Meeting and Tuesday, November 29<sup>th</sup>, 2016 Special Meeting, was read by City Clerk Divine.

**RESOLVED:** That the readings of Monday, November 14<sup>th</sup> Special Meeting, Tuesday, November 15<sup>th</sup> Common Council Meeting and Tuesday, November 29<sup>th</sup>, 2016 Special Meeting be dispensed with.

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

Carried, all voting aye.

**PUBLIC COMMENTS:**

Mike Civileto, 138 Ruggles Street, CAC Chairman, inquired about the status of the Dog Park Advisory Committee as well as whose responsibility it would be to plow the sidewalks in front of the Fairgrounds and spoke in regards to getting an enclosure for the Whispering Giant statue, fixing/cleaning brass plates at Memorial Park for the WWI Memorial, Hospital signs being obscured by overgrowth and the Complete Streets Program.

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

Communication from Mayor appointing Steve Helwig as Chairman of the Zoning Board of Appeals and Robert Patterson to the Youth and Recreation Board.

Received and filed.

Mayor Rosas thanked everyone for their support on Small Business Saturday and advised that he has recently met and toured with various Employers throughout the City.

Director of Development Yanus advised the 2017 CDBG Applications are due on Friday, December 9<sup>th</sup> at 4:30 PM with the applications then being reviewed before a second Public Hearing to be held at a later date and that tomorrow she will be attending a BOA Phase 2 Workshop going over land use and design standards.

Festivals and Special Events Coordinator Rosas thanked the Mayor and Council Members for attending Small Business Saturday as well as everyone who sponsored and that, due to that sponsorship the City was able to present the players from the Dunkirk Marauder Football team with plaques after the parade.

**COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**

Request from Lauren Klenosky on behalf of Western New York Chapter of the Alzheimer's Association to use Point Gratiot as well as the neighborhood and accompanying bike path for the annual Walk to End Alzheimer's fundraising event on Saturday, September 9, 2017 from approximately 7:00 AM until 12:00 PM. Also requesting use of pop up tents, vendors and live music.

Councilman-at-large Woloszyn advised a motion was needed to refer to the appropriate departments as well as approve subject to appropriate insurances and usual conditions.

Councilman Williams made a motion to approve. Seconded by Councilwoman Szukala.

Carried, all voting aye.

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

Councilman Williams inquired to City Connolly if there was any way to make City Hall a tobacco free area as well asked Festivals and Special Events Coordinator Rosas to provide him with the Festivals Report he had requested at the Economic Development Meeting.

City Attorney Connolly advised that he has done some research on this, a Local Law would need to be passed and that an obstacle would be the penalty and enforcement associated with this.

Councilman Williams advised that we need to be fair to the employees and take Resolution #101-2016 off the Table and vote on it as these are not just employees of the City they are residents, consumers and tax payers who need to be treated with the respect they deserve.

Councilman Bamonto inquired to Public Works Director Bankoski for an update on Leaf Pickup/removal of crucial trees and advised that the Rec. Center is now open and to call the Recreation Department if you have any questions.

Public Works Director Bankoski advised that the crew is working on the tree jobs, is close to being done with leaves in the Second Ward and that, weather permitting, will be moving forward with the pickup.

Councilman Gonzalez inquired to Director of Development Yanus if she could look into possible CDBG Funding for the name plates Mr. Civiletto spoke in regards to.

Director of Development Yanus advised that she will look into it as she will be traveling to Buffalo to meet with HUD next Tuesday.

Councilman Gonzalez advised that a Contract needs to be fair to both the employees as well as the City, there have been no monies previously set aside for when individuals retire and that the City would have to borrow money should more than 2 people retire at one time.

Councilwoman Szukala advised that her next Public Safety Meeting is scheduled for Thursday, December 8<sup>th</sup> at 4:00 PM, advised Mr. Civiletto that an enclosure for the Statue would be costly and that while the City does courtesy plow the area he mentioned, it is the homeowner's /business owner's responsibility to clear the snow and advised if residents are concerned with the conditions of the sidewalks they can always contact the business in question.

Councilwoman Szukala inquired to Director of Development Yanus if the CDBG Plan included Hoyt Street paving that would mimic the Townsend Street Project and if any more playground equipment can be purchased with CDBG monies.

Director of Development Yanus advised that she will look into it but believes that the Paving Project was included and that she has informed Recreation Program Coordinator Hall to submit a CDBG application for possible funding for additional equipment.

Councilman-at-large Woloszyn advised Mr. Civiletto that the Dog Park was pulled due to a legal issue.

City Attorney Connolly advised that the Resolution as drafted was incorrect and that committee appointments need to be done by the Mayor.

**UNFINISHED BUSINESS:**

**RESOLUTION #97-2016**  
**NOVEMBER 15, 2016**

**BY: ENTIRE COUNCIL**

**ADOPTION OF FY 2017 BUDGET**

**WHEREAS**, Mayor Rosas submitted the proposed FY 2017 Budget to the Common Council on October 14, 2016, and was received and filed at the October 18, 2016 Common Council meeting; and

**WHEREAS**, the Common Council has undertaken a review of the proposed FY 2017 Budget and desires to make amendments to such Budget as herein below detailed; now therefore, be it

**RESOLVED**, that Mayor Rosas's proposed FY 2017 Budget, be amended as follows:

**GENERAL FUND**

**Appropriations**

001-1900-1990	Contingencies Allowance	\$ 13,800
001-5010-1001	Overtime-Streets Administration	\$ (2,000)
001-5110-1001	Overtime-Maintenance of Streets	\$ 2,000
001-5110-4052	Repair to Improved Streets	\$ 500
001-5110-4056	Infrastructure Repairs	\$ (500)
001-7450-4036	Historical Society Contracted Services	\$ 2,500

**GENERAL FUND**

**Revenues**

001-0001-2300	Transportation Fuel- School	\$ 23,500
001-0001-2389	Transportation Fuel- Housing Authority	\$ 2,800
001-0001-2410-4111	Rental of Real Property-Marina et al	\$ (10,000)
001-0001-2770-7701	Unclassified Revenue-Miscellaneous	\$ (13,000)
001-0001-2770-7702	Reimbursement-NYS Retirement-Library	\$ 13,000

and it is further

**RESOLVED**, that Mayor Rosas's proposed FY 2017 Budget, as amended herein, hereby is and shall be adopted as the City of Dunkirk Fiscal Year 2017 Budget.

<b><u>Totals by Fund:</u></b>	<b><u>Revenues</u></b>	<b><u>Expenditures</u></b>
General	\$ 14,562,641	\$ 14,562,641
Water	\$ 3,634,506	\$ 3,634,506
Waste Water Treatment	\$ 3,720,804	\$ 3,720,804

Councilman Bamonto made a motion to remove Resolution #97-2016 from the Table.

Carried, all voting aye. REMOVED.

Councilwoman Szukala thanked Mayor Rosas and Department Heads for putting the budget together, advised that by avoiding raising taxes the City is only getting through another 12 months if no major issues, provided details on why she believes this budget does not work for her such as the Cable Access line increasing by \$25,000 and explained that she will be voting no on this Budget Resolution.

Councilman Gonzalez advised that this is a barebones budget, an increase in taxes would not have helped as it would have had to be raised by at least 4% and that this was the best that could be put up.

Councilman Williams advised that Council did not put any extra money into the Cable Access line as that was done initially by the Mayor, The Historical Society did receive extra as it was needed and that outside of raising taxes this was the best that could be done.

Councilman-at-large Woloszyn reiterated that no money has been added to the Cable Access line but just moved around, advised that he would also be voting no for the Budget Resolution as he would have liked to have seen a tax rate increase and provided details of why his vote would be the way it is.

Vote on Resolution:

Ayes: Councilman Williams, Bamonto and Councilman Gonzalez.

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

Carried, 3-2.

**RESOLUTION # 101-2016**  
**NOVEMBER 15, 2016**

**BY: ENTIRE COUNCIL**

**RATIFICATION OF AGREEMENT BETWEEN THE  
CITY OF DUNKIRK AND THE  
AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES  
AFL-CIO LOCAL 912 FOR  
JANUARY 1, 2012 TO DECEMBER 31, 2020**

**WHEREAS**, the City of Dunkirk and the American Federation of State, County and Municipal Employees AFL-CIO Local 912 ("AFSCME Local 912") 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, 2011; and

**WHEREAS**, after negotiations, the City and AFSCME Local 912 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 AFSCME Local 912, on behalf of the City of Dunkirk for the years 2012 through 2020.

Councilman Williams made a motion to remove Resolution #101-2016 from the Table.

Ayes: Councilman Williams and Councilman Bamonto.

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

Resolution remains TABLED, 2-3.

**PRE-FILED RESOLUTIONS:**

**RESOLUTION #103-2016**  
**DECEMBER 6, 2016**

**BY: ENTIRE COUNCIL**

**AUTHORIZATION TO REVIEW AND APPROVE WITH OR WITHOUT CONDITIONS  
THE SITE PLAN IN ACCORDANCE WITH THE H-1 HARBORFRONT DISTRICT  
FOR PROPERTY LOCATED AT 19 LAKE SHORE DR. E.  
(ROOKIES)**

**WHEREAS**, an application for a building permit for permission to construct an addition at property located at 19 Lake Shore Dr. E., Dunkirk, New York 14048, has been submitted, and

**WHEREAS**, the application has been referred by the Housing, Building and Zoning Enforcement Officer to the required Boards, Departments and Agencies for review and comment, and

**WHEREAS**, the City Council is authorized to review and approve, approve with conditions or disapprove site plans prepared in accordance with such standards outlined in Chapter 79 for projects proposed in the H-1 Overlay District, and

**WHEREAS**, this Council has fully investigated all of the facts and circumstances relating to the instant application, now, therefore be it

**RESOLVED**, that this Common Council determines and finds that:

- (A) A proper application for a building/use permit has been made by Alan Steinberg on behalf of 19 Lake Shore Drive East LLC, Rookies;

- (B) All interested Boards, Departments and Officials have been notified pursuant to Local Law for their comments and review of this application;
- (C) All comments from such interested parties have been received, or such parties have waived their right of review and comment under local law;
- (D) The applicant established:
- (i) That the strict application of the provisions of Chapter 79 of the Dunkirk City Code would deprive the applicant of the reasonable use of the property;
- (ii) That the approval of the special permit is necessary for the reasonable use of the property; and
- (E) The applicant established that there are special circumstances or conditions applying to the land or building for which the approval is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the vicinity or neighborhood and have not resulted from any act of the applicant subsequent to the adoption of this Chapter 79 of the Dunkirk City Code;
- (F) The applicant established that the approval of this special permit will be in harmony with the general purpose of this chapter, will not be injurious to the neighborhood and will not alter the essential character of the locality;
- (G) Approved the building/use permit will promote the health, safety and welfare of the residents of the City of Dunkirk, and be it further

**RESOLVED**, that the application is approved.

Carried, all voting aye.

**RESOLUTION #104-2016**  
**DECEMBER 6, 2016**

**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 2017, including providing compliance with Department of Transportation requirements.

Carried, all voting aye.

**RESOLUTION # 105-2016**  
**December 6, 2016**

**BY: COUNCILMAN ANDREW GONZALEZ, COUNCILMAN DON WILLIAMS Jr.**

**AUTHORIZING AGREEMENT FOR BOOKKEEPING SERVICES  
FOR THE CITY OF DUNKIRK**

**WHEREAS**, the Finance Committee issued a Request for Proposal in October of 2016 for professional assistance with various aspects of the bookkeeping of the City of Dunkirk; and

**WHEREAS**, the proposals were received and reviewed by the Finance Committee, and the firm of Bahgat and Laurito-Bahgat, Certified Public Accounts, P.C., met the qualification and price criteria necessary for this service; and

**WHEREAS**, it is in the best interest for the City to utilize Bahgat and Laurito-Bahgat, Certified Public Accounts, P.C. for the professional bookkeeping services for a fee of \$110 per hour, not to exceed the previous year's billing; and

**RESOLVED**, that the Mayor is authorized and directed to execute an agreement of services, on behalf of the City of Dunkirk, with Bahgat and Laurito-Bahgat, Certified Public Accounts, P.C., 16 W Main St., Fredonia NY, for bookkeeping services.

**RESOLVED**, that the appropriations for the auditing service shall posted to Contracted Services, Account No. 001-1310-4036.

Carried, all voting aye.

**RESOLUTION # 106-2016**  
**December 6, 2016**

**BY: COUNCILMAN ANDREW GONZALEZ, COUNCILMAN DON WILLIAMS Jr.**

**AUTHORIZING AGREEMENT FOR INDEPENDENT AUDIT SERVICES  
FOR THE CITY OF DUNKIRK**

**WHEREAS**, the five-year contract for Audit Services has expired with the completion of the Audit for Fiscal Year ending December 31<sup>st</sup>, 2015; and

**WHEREAS**, professional auditing services are required by the City of Dunkirk for Fiscal Years 2016, 2017 and 2018, and

**WHEREAS**, the Finance Committee issued a Request for Proposal in September of 2016 for professional auditing services; and

**WHEREAS**, three proposals were received and reviewed by the Finance Committee, with Dresher and Malecki LLP meeting the qualification and price criteria necessary for this service; and

**WHEREAS**, it is in the best interest for the City to utilize Dresher and Malecki, LLP for auditing services for:

	<u>Not to Exceed Fee Schedule</u>			<u>Optional Years</u>		
	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	
Audit of basic financial statements	\$ 26,500	\$ 27,030	\$ 27,571	\$ 28,122	\$ 28,684	
Single Audit	\$ 3,500	\$ 3,570	\$ 3,641	\$ 3,714	\$ 3,789	
NYS DOT	\$ 2,026	\$ 2,067	\$ 2,108	\$ 2,150	\$ 2,193	
Annual Update Document	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	
<b>Total</b>	<b>\$ 35,026</b>	<b>\$ 35,667</b>	<b>\$ 36,320</b>	<b>\$ 36,986</b>	<b>\$ 37,666</b>	

**RESOLVED**, that the Mayor is authorized and directed to execute an agreement of services, on behalf of the City of Dunkirk, with Drescher & Malecki LLP, 3083 William St. Ste 5, Cheektowaga, NY, to provide auditing services for Fiscal Years 2016, 2017, and 2018; and

**RESOLVED**, that the appropriations for the auditing service shall posted to Contracted Services, Account No. 001-1310-4036.

Carried, all voting aye.

**RESOLUTION #107-2016**  
**DECEMBER 6, 2016**

**BY: ENTIRE COUNCIL**

**APPROVE FY 2017 APPROPRIATIONS**

**WHEREAS**, the Common Council of Dunkirk, has, by resolution, adopted a budget for Fiscal Year 2017; now, therefore, be it

**RESOLVED**, that the specified amounts in the column labeled Adopted Budget in the General Fund, Water Treatment and Wastewater Budgets be approved for expenditure for such items, effective January 1, 2017.

Councilman-at-large Woloszyn advised that since he had said no to the Budget Resolution he would be consistent with the Resolutions that correspond to it.

Vote on Resolution:

Ayes: Councilman Williams, Bamonto and Councilman Gonzalez.

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

Carried, 3-2.

**RESOLUTION #108-2016**  
**DECEMBER 6, 2016**

**BY: ENTIRE COUNCIL**

**AUTHORIZING WARRANT FOR FY 2017 BUDGET**

**WHEREAS**, the FY 2017 Budget for the City of Dunkirk, New York has been adopted by resolution and funds have been appropriated for expenditure, now, therefore, be it

**RESOLVED**, that the attached warrant be delivered to the City Treasurer and a tax levy of **\$4,871,870.00** be established at a rate of **\$17.247488** per \$1,000 of assessed valuation based upon the total City assessed valuation of **\$282,468,370**.

Ayes: Councilman Williams, Bamonto and Councilman Gonzalez.

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

Carried, 3-2.

**RESOLUTION #109-2016**  
**DECEMBER 6, 2016**

**BY: ENTIRE COUNCIL**

**AUTHORIZING LEASE AGREEMENT WITH  
CHAUTAUQUA COUNTY FAIR ASSOCIATION**

**WHEREAS**, the CHAUTAUQUA COUNTY FAIR ASSOCIATION (the "Fair Association") is the owner of certain premises commonly known as the Chautauqua County Fair Association Agricultural and Commerce Building (the "Premises"), formerly

known as the Roll Arena, which is located on the Fair Association's property on Central Avenue, Dunkirk, NY, at the Chautauqua County Fairgrounds; and

**WHEREAS**, the City wishes to lease the Premises from the Fair Association in order to utilize it for recreational programs and activities; and

**WHEREAS**, the City has leased the Premises in the past at low cost which has been a significant benefit to the city; and

**WHEREAS**, the Roll Arena building is in need of repairs, which the Department of Public Works can provide at low cost; and

**WHEREAS**, the Fair Association is ready, willing and able to lease the Premises to the City for such uses in exchange for in-kind services and donated materials; now, therefore, be it

**RESOLVED**, that the Mayor be and hereby is authorized to execute a Lease Agreement with the Chautauqua County Fairgrounds Association, Central Avenue, Dunkirk, NY 14048, to lease the Roll Arena building at the Fairgrounds from December 1, 2016 through March 31, 2017, at a cost of Three Hundred Dollars and Zero Cents (\$300.00) per month, December 1, 2017 through March 31, 2018, at a cost of Three Hundred Dollars and Zero Cents (\$300.00) per month, and December 1, 2018 through March 31, 2019, at a cost of Three Hundred Dollars and Zero Cents (\$300.00) per month plus the cost of the ordinary and customary utilities for such building (e.g., natural gas, electricity, etc.); and, be it further

**RESOLVED**, that the funds for such payments be made from

Rent:

Provision of labor and materials for installation of insulation in the Roll Arena building for a total value of Three Thousand Six Hundred Dollars and Zero Cents (\$3,600.00)

Electric:

Divided between Account No. 001-7140-4013 and Account No. 001-7310-4013

Gas:

Divided between Account No. 001-7140-4014 and Account No. 001-7310-4014

; and be it finally

**RESOLVED**, that the Department of Public Works may donate surplus Flooring Materials, Lighting, and a Heater and provide labor to install such items in the Roll Arena building.

Carried, all voting aye.

**NEW BUSINESS:**

**RESOLUTION #110-2016**  
**DECEMBER 6, 2016**

**BY: ENTIRE COUNCIL**  
**State Environmental Quality Review Act Designation**  
**Point Gratiot Park Improvements**

**WHEREAS**, the City of Dunkirk proposes to repair or renovate certain structures located in Point Gratiot Park, including picnic shelters, restrooms and pavilions; and

**WHEREAS**, the City of Dunkirk has classified the action as a "Type II" action under SEQRA, as the project consists of maintenance or repairs at Point Gratiot Park, and those actions are not subject to SEQRA review; and

**WHEREAS**, The Contract Architect/Engineering Consultant for the project, LaBella Associates, D.P.C., has reviewed the proposed action and has determined that it is a Type II action under the State Environmental Quality Review Act (SEQRA) based on the following criteria identified in 6 NYCRR Part 617.5(c):

- 0. maintenance or repair involving no substantial changes in an existing structure or facility
- 1. replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in 6 NYCRR Part 617.4,

therefore, be it

**RESOLVED**, that the City of Dunkirk, after considering the action proposed herein, has reviewed the criteria in Section 6 NYCRR 617.5(c) and determines that the action is a Type II action and does not require further review under SEQRA.

Carried, all voting aye.

**ADJOURNMENT:**

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

**Adjourned at 6:13 PM**

**Lillian R. Divine, City Clerk**

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