

COMMON COUNCIL PROCEEDINGS
February 16, 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, and Councilman-at-large Woloszyn.

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 Mieczko, Director of Development Beard, CDBG Administrator Gawronski, Personnel Administrator Heyden, Fire Chief Edwards and Police Chief Ortolano.

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

Certification of February 2, 2016 meeting was read by City Clerk Divine.

RESOLVED: That the reading of the minutes of Tuesday, February 2, 2016 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

Robert Contiguglia, 50 Eagle Street, Fredonia, New York introduced himself to the Councilmembers and Mayor, advised he has purchased Central Station Restaurant in Dunkirk and is expected to take ownership March 1, 2016; he is the individual on tonight's agenda looking to rent a space at the Boardwalk, stated he intends to run a sandwich shop at the Boardwalk and presented council with a revised business summary plan.

Mike Civileto, 219 Willow Road, Dunkirk, New York invited everyone to the next Revitalize Dunkirk meeting which will be held this Thursday at the Fredonia Incubator at 6:30 PM. Mr. Civileto advised the guest speaker that evening will be Clinton Brown, an architect who will discuss what it takes to become a Certified Local Government. Mr. Civileto advised he will be pursuing to conduct an historical survey in the city which is the first step in becoming a Certified Local Government and could qualify residents to receive federal, state and income tax credits along with grants for their homes and qualify the city for possible grants that could help some old public structures.

John DeTolla, Central Avenue, Dunkirk, New York stated is a member of the city's Cable Board and would like to see this area/community begin a self-marketing program to improve our city. Mr. DeTolla advised he travels extensively for his job and stated people around the world are aware of the Dunkirk/Fredonia area and suggested the city collaborate with SUNY Fredonia to promote our area.

Councilman-at-large Woloszyn suggested Mr. DeTolla speak with Department of Development Director Beard regarding this matter.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Rosas announced he held a general meeting of all City Department Heads on January 26th regarding implementing Phase I of the City of Dunkirk Strategic Planning Process. The first step, which was initiated last Thursday, is a general survey of all City employees; future steps will involve members of the Common Council, Department Heads and others, and the overall objective is to improve City operations.

Mayor Rosas advised he and Department of Development Director Beard met with Congressman Reed's Representatives Alison Hunt and Jaqueline Phelps last Friday; topics discussed included a number of potential grant funding possibilities as well as approaches that may be used to maximize the positive effects of the soon to be constructed Athenex bio-medical complex, and particular attention was focused on methods to maximize employment opportunities for Dunkirk residents with emphasis on training.

Mayor Rosas further advised the Department of Planning and Development has begun working on the approach, database of Dunkirk businesses and other details for the series of informal business roundtables to be conducted by himself with technical support by the Department of Planning and Development. The Department of Development has also agreed on a preliminary basis with SUNY Fredonia to provide two interns to assist with this effort; the city is looking to meet with any and all local businesses to see what their needs for expansion are, and any other issues in which they may need assistance.

Communication from Mayor Rosas re-appointing William Rivera to the Board of Assessment Review effective February 17, 2016 and will expire September 20, 2020.

Received and filed.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Request from Lake Shore Street Rod Association to use the large and lower pavilions and for partial use of the Point Gratiot parking lot, permission for vendors, bandstands, extra trash barrels and trash pick-up on Sunday July 10th for their Annual Harbor Cruise.

Councilman Bamonto asked does this group have to come in April to reserve the pavilions.

Councilman-at-large Woloszyn advised this group has to come in April to reserve the pavilions.

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 Bamonto moved to approve. Seconded by Councilman Williams.

Carried, all voting aye.

Request from Scott Mekus on behalf of Dunkirk Senior High School's Class of 1989 to host their annual "Marauder Trotter 5K Run/Walk" on City Streets located near Dunkirk High School Saturday, July 2nd beginning at 8:45 AM.

Councilman-at-large Woloszyn advised this petition is being pulled for further dialogue and investigation.

Notice of Claim from Kimberly Delgado for damages to her sidewalk allegedly caused by a city sidewalk snowplow.

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

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

Carried, all voting aye.

Loudspeaker application from the Alzheimer's Association of Western New York to use microphones and speakers at the large pavilion at Point Gratiot on October 1st from 8:30 AM until 12:30 PM.

Councilman-at-large Woloszyn advised this application allows this group to use the permit at Point Gratiot only; the group has to come in April to reserve the pavilion.

Councilman-at-large Woloszyn advised a motion to approve this application was needed and referred this to the appropriate departments.

Councilman Gonzalez moved to approve this application. Seconded by Councilman Williams.

Carried, all voting aye.

Loudspeaker application from Dunkirk Memorial Post #62 for a live band on May 30th from 3:00 PM until 7:00 PM for a Chicken BBQ.

Councilman-at-large Woloszyn advised a motion to approve this application was needed and referred this to the appropriate departments.

Councilman Bamonto moved to approve this application. Seconded by Councilman Williams.

Carried, all voting aye.

Petition from The Academy Heights Association for permission to hang nine banners throughout the city.

Councilman Bamonto thanked Skeeter Tower and her group for their hard work and efforts.

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 Bamonto motioned to approve. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Communication from Fire Chief Edwards to add Brody B. Kolassa, Reyeard J. Cruz and Antonio R. Garcia to the City of Dunkirk Volunteer Fire Roll.

Received and filed.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Williams announced the next Public Works Committee Meeting will be held on February 24, 2016 at 3:00 PM, and inquired about the policy process regarding notification of the closure of the Recreation Center.

Department of Public Works Director Bennice advised yesterday's closure of the Recreation Center was posted on Facebook and the city's website.

Councilman Williams stated many people do not use Facebook or the internet and asked if future closings could be announced on the radio, and inquired about the heating problem at the center.

Councilman Gonzalez reiterated Councilman Williams's comments and stated many people do not use Facebook and would announcements on the radio and in the newspaper.

Department of Public Works Director Bennice advised he will speak with Recreation Program Coordinator Gornikiewicz regarding future announcements being placed on the radio, and regarding the gas meter, National Fuel should address the problem, but it is the Chautauqua County Fair Associations responsibility to have that repaired.

Councilman Bamonto asked Department of Public Works Director Bennice has padding been installed at the Recreation Center.

Department of Public Works Director Bennice advised the padding has been installed and the building has been cleaned.

Councilman Bamonto asked for an update on the basketball league.

Mayor Rosas advised he has spoken with the Superintendent of the school and any outstanding issues have been resolved and he will speak with Recreation Program Coordinator Gornikiewicz regarding the startup of the league.

Councilman Gonzalez announced the next Economic and Development Committee Meeting will be held on March 15, 2016 at 4:00 PM and thanked Mayor Rosas for his initiative and for traveling to Albany to meet with the Governor. Councilman Gonzalez also thanked Mr. DeTolla for speaking tonight and invited him to speak at the next Economic and Development Committee Meeting.

Councilman-at-large Woloszyn reminded residents of last week's announcement regarding Athenex coming to Dunkirk and asked everyone to remain positive regarding this matter, thanked the three gentlemen who spoke during tonight's privilege of the floor portion of this meeting, and wished them well on their endeavors and for investing in the city.

PRE-FILED RESOLUTIONS:**RESOLUTION #24-2016**
FEBRUARY 16, 2016**BY: COUNCILWOMAN SZUKALA****AUTHORIZING BOARDWALK LEASE AGREEMENT**
(Richard Harvey)

WHEREAS, the City of Dunkirk has developed and marketed the **Dunkirk Boardwalk Project** (the "Boardwalk") 8-22 Central Avenue, Dunkirk, New York, to help create and to encourage the vibrancy of the City's harbor district; and

WHEREAS, the City of Dunkirk has available space in the Boardwalk and desires to enter into an agreement with **Richard Harvey**, to lease a portion of the Boardwalk for a very small, upscale restaurant for the general public; now, therefore, be it

RESOLVED, that the Mayor, Wilfred Rosas, upon consultation, and, if necessary the consent of the Director of Development, Duane Beard, and/or the Board of Directors of the Dunkirk Local Development Corporation (DLDC), is hereby authorized to execute a lease agreement with **Richard Harvey**, 527 Swan Street, Apt. 1, Dunkirk, New York 14048, for a rental to be more fully described in the lease agreement between the parties.

Carried, all voting aye.

RESOLUTION #25-2016
FEBRUARY 16, 2016**BY: COUNCILWOMAN SZUKALA****AUTHORIZING BOARDWALK LEASE AGREEMENT**
(Robert Contiguglia)

WHEREAS, the City of Dunkirk has developed and marketed the **Dunkirk Boardwalk Project** (the "Boardwalk") 8-22 Central Avenue, Dunkirk, New York, to help create and to encourage the vibrancy of the City's harbor district; and

WHEREAS, the City of Dunkirk has available space in the Boardwalk and desires to enter into an agreement with **Robert Contiguglia**, to lease a portion of the Boardwalk for the sale of food products, and for the conduction of restaurant activities; now, therefore, be it

RESOLVED, that the Mayor, Wilfred Rosas, upon consultation, and, if necessary the consent of the Director of Development, Duane Beard, and/or the Board of Directors of the Dunkirk Local Development Corporation (DLDC), is hereby authorized to execute a lease agreement with **Robert Contiguglia**, 50 Eagle Street, Fredonia, New York

14063, for a rental to be more fully described in the lease agreement between the parties.

Councilman Gonzalez moved to table this Resolution. Seconded by Councilman Bamonto.

Carried, all voting aye. TABLED.

RESOLUTION #26-2016
FEBRUARY 16, 2016

BY: ENTIRE COUNCIL

AUTHORIZING LEASE TERMINATION
(Pucci Kids, LLC)

WHEREAS, the City of Dunkirk is the owner of certain improved real property, commonly known as the Dunkirk Boardwalk Project (the "Boardwalk"), 8-22 Central Avenue, Dunkirk, New York; and

WHEREAS, Anthony Pucciarelli, 526 Central Avenue, Dunkirk, New York 14048, and the City of Dunkirk, are parties to a certain Commercial Lease Agreement which provides for the use of **16 Central Avenue**, Dunkirk, NY 14048, at the Boardwalk, through March 31, 2016, by Pucci Kids, LLC (through Resolution No. 35-2014); and

WHEREAS, Pucci Kids, LLC, c/o Anthony Pucciarelli, and the City of Dunkirk desire to modify the terms of the lease agreement, whereby the lease between Pucci Kids, LLC and the City of Dunkirk will be terminated; now, therefore, be it

RESOLVED, that the Common Council hereby authorizes and directs the Mayor to execute the required documents to terminate the Commercial Lease Agreement with Pucci Kids, LLC, c/o Anthony Pucciarelli, 526 Central Avenue, Dunkirk, New York 14048, for the use of 16 Central Avenue, Dunkirk, NY.

Carried, all voting aye.

RESOLUTION #27-2016
FEBRUARY 16, 2016

BY: THE ENTIRE COUNCIL

AUTHORIZE AGREEMENT FOR TWO (2) COPIERS FOR THE FIRE DEPARTMENT

WHEREAS, the City of Dunkirk Fire Department currently utilizes a copier that is over twenty-five (25) years old, and still pays a monthly maintenance agreement on this unit, in addition the department uses several remote copier, fax machines, and scanners; and

WHEREAS, there is a need to upgrade and consolidate systems to improve functionality to meet current and new program needs; and

WHEREAS, it is estimated that the department currently spends approximately Two Hundred Dollars and Zero Cents (\$200.00) per month on the maintenance agreement, ink, service and purchase of portable copiers; and

WHEREAS, the cost of the lease per month is One Hundred Eighty Dollars and Fifty Cents (\$180.50); now, therefore, be it

RESOLVED, that the Mayor is hereby authorized to execute any and all contracts and related documents with Eagle Systems Office Technologies for two (2) combination copy, scan, fax and e-mail units with service agreements at the monthly lease fee of One Hundred Eighty Dollars and Fifty Cents (\$180.50), which was included in the 2016 budget, and is state pricing; and, be it further

RESOLVED, that the monthly lease fee will be taken from the Fire Department's contracted services line 001.3410.4036.

Carried, all voting aye.

RESOLUTION #28-2016
FEBRUARY 16, 2016

BY: COUNCILMAN WILLIAMS

**AUTHORIZING MAYOR TO EXECUTE A LEASE AGREEMENT FOR A
COPY MACHINE IN BASEMENT LEVEL OF CITY HALL**

WHEREAS, the lease agreement for the copy machine currently located in the basement level of City Hall is expired; and

WHEREAS, the City is able to enter into a new equipment lease State bid contract at One Hundred Eighty-Three Dollars and Zero Cents (\$183.00) per month; and

WHEREAS, the current monthly charge is Two Hundred Twenty-Six and Thirteen Cents (\$226.13) a month for the lease of an office copier; and

WHEREAS, the new charge shall also produce a cost savings to the City of Forty-Three Dollars and Thirteen Cents (\$43.13) per month; now, therefore, be it

RESOLVED, that the Mayor is hereby authorized and directed to execute a lease agreement with XEROX Corporation for an office copier for the basement level of City Hall, which includes maintenance and supplies at a monthly payment of One Hundred Eighty-Three Dollars and Zero Cents (\$183.00), for the next sixty (60) months; and, be it finally

RESOLVED, that funds for this lease be allocated from budget account #001-3620-4150 Building/Zoning Office Rent/Lease.

Councilman Williams thanked Building/Zoning Officer Zurawski for his work researching this lease and stated this will save the city approximately \$50.00 a month.

Carried, all voting aye.

Councilman Williams motioned to go into Executive Session to discuss legal matters, it is expected that no new business will be taken after the Executive Session concludes. Seconded by Councilman Bamonto.

Carried, all voting aye.

Executive Session called to order at 6:01 PM.

Councilman Gonzalez moved to adjourn the Executive Session at 7:14 PM and reconvene to the regular Council Meeting. Seconded by Councilman Williams.

Carried, all voting aye.

ADJOURNMENT:

Councilman Gonzalez moved to adjourn. Seconded by Councilman Bamonto.

Carried, all voting aye.

Adjourned at 7:15 PM

Lillian R. Divine, City Clerk
