

COMMON COUNCIL PROCEEDINGS
May 3, 2016

The meeting was called to order at 5:32 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 Brautigam, Public Works Director Bennice, City Treasurer Woods, Fiscal Affairs Officer Halas, Clerk, Board of Assessors Mleczko, Personnel Administrator Heyden, Animal Control Officer Puro, Deputy Director of Planning and Development Waite, Fire Chief Edwards and Police Chief Ortolano.

Councilman-at-large Woloszyn advised Building Inspector Zurawski is excused from tonight's meeting.

Certification of April 19, 2016 meeting was read by City Clerk Divine.

RESOLVED: That the reading of the minutes of Tuesday, April 19, 2016 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

Thomas M. Taylor, 223 Temple Street, Dunkirk, New York advised vehicles in the city are required to be registered and have plates on them, there are two vehicles at the old Stefan's Marina that have been sitting there for the past six to eight weeks with no plates on them and stated as a property owner he is required to have his vehicles registered with plates and asked why the double standard. Mr. Taylor advised he read comments in the newspaper from the last common council meeting regarding Department of Public Works Director Bennice, stated he has had interactions with him and that Mr. Bennice and his department responded quickly to his issue and asked council to be a little understanding towards Mr. Bennice as he is newly appointed to this position and it takes a little time to get accustomed to the duties of that job.

Mike Civiletto, 38 Ruggles Street, Dunkirk, New York spoke on behalf of the Dunkirk Citizens Advisory Committee and invited everyone to their next meeting which will be held May 11th at 6:30 PM in the Mayor's Conference Room. Mr. Civiletto spoke about the groups concerns regarding rental property regulations, broken parking meters on Central Avenue, and accumulation of trash under the viaduct on Roberts Road. Mr. Civiletto further advised the 100 year anniversary of World War I is approaching; the plaques in Memorial Park are worn and illegible and asked if the plaques could be restored.

Department of Public Works Director Bennice advised the Roberts Road viaduct has been cleaned on several occasions but continues to accumulate trash and thanked the Boys and Girls Club for cleaning up the Main Street Beach.

Councilman Williams advised he has received a letter from Valerie Pawlak who could not attend tonight's meeting and asked City Clerk Divine to read the letter into the minutes.

City Clerk Divine read the letter from Mrs. Pawlak which congratulated the newly appointed Director of Development, and agreed with Councilwoman Szukala regarding accountability of what is discussed during workshop sessions versus what is discussed during the regular council meetings as some city residents cannot attend the workshop sessions and those sessions were not televised in the past. Mrs. Pawlak congratulated Nicole Waite on all of her accomplishments, her Revitalize Dunkirk shirt design and asked Mayor Rosas to include her on his Personal Team so she can work with Monica Keny and Chuck Cornell at the Incubator with future Revitalization Projects.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Rosas advised he attended a recognition dinner this past Friday in Fredonia honoring the Northern Chautauqua County Hockey Youth Association Varsity Club Team which recently won the New York State Championship, read a proclamation honoring them and advised a sign has been installed on the corner of Central Avenue and Millard Fillmore Drive acknowledging the team's championship.

Mayor Rosas advised this summer's Music on the Pier concert series line up has been finalized and has been posted on the city's website and Facebook pages, the city is offering an additional week this year as Brooks Hospital has agreed to sponsor the extra week.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition from Dunkirk Local Development Corporation – Festivals Committee for the City's assistance and use of City facilities for their Summer on the Lake events.

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 Williams motioned to approve. Seconded by Councilman Bamonto.

Carried, all voting aye.

Petition from the Historical Society of Dunkirk for an off-duty police officer on May 15th from 10:00 AM until 4:00 PM at the Chautauqua County Fairgrounds. Also, requesting the use of 12 street barricades from the Department of Public Works.

Councilman-at-large Woloszyn advised a motion to approve was needed and referred this to the Department of Public Works and the PBA.

Councilman Williams motioned to approve. Seconded by Councilman Bamonto.

Carried, all voting aye.

Request from Lisa Kozlowski on behalf of the Dom Polski Club to close Antelope Street between East Second Street and Lake Shore Drive East to traffic on July 17th from 1:00 PM until 8:00 PM on to host a benefit for Frank Herrington. Also requesting support from Parks/Street Department for trash cans, bandstands, picnic tables and barricades.

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 Williams motioned to approve. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Petition from Putnam Record Insurance Agency requesting the Mayor's presence on June 11, 2016 for their annual "Safety Saturday". Also requesting the use of 30 orange cones and 8 wooden barriers.

Councilman-at-large Woloszyn advised a motion to approve was needed and to referred this to the Department of Public Works.

Councilman Bamonto moved to approve. Seconded by Councilman Williams.

Carried, all voting aye.

Petition from Kimberly Ruiz to have a bounce house at Point Gratiot on June 5, 2016.

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.

Petition from Buffalo United Front, Inc. to use a portion of Memorial Park on June 25th from 8:00 AM until 6:00 PM.

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 Williams.

Carried, all voting aye.

Loudspeaker application from Dunkirk Local Development Corporation – Festivals Committee for professional audio equipment and DJ on June 17th, 18th, 19th from 2:00 PM until 9:00 PM, July 2nd, 3rd & 4th from 2:00 PM until 6:00 PM, August 6th from 2:00 PM until 8:00 PM, September 11th from 1:00 PM until 4:00 PM, and Thursdays June 16th thru September 8th from 6:30 PM until 8:30 PM.

Loudspeaker application from Taqueria Mexicana for loudspeakers at 45 Lake Shore Drive East on July 4th from 1:00 PM until 11:00 PM.

Loudspeaker application from Hometown Insurance for microphones and amplifiers on July 4th from 5:30 PM until 9:30 PM at 200 Lake Shore Drive West.

Loudspeaker application from Glen Hurrell for a stereo and microphone at 528 Franklin Avenue on July 15th from 4:00 PM until 6:00 PM.

Loudspeaker application from Juneteenth Celebration Committee for speakers, microphones, bands and instruments in Memorial Park on June 18th and June 19th from 12:00 PM until 8:00 PM.

Loudspeaker application from Duane Gilbert on behalf of the Dunkirk Elks Lodge #922 for amplifiers, speakers and microphones at the Dunkirk Lighthouse on June 14th from 6:00 PM until 8:00 PM.

Loudspeaker application from Dom Polski Club for a band and speakers on July 17th from 3:00 PM until 7:00 PM.

Loudspeaker application from Bart's Cove for live bands from June 1st thru November 30th.

Councilman Williams motion to approve. Seconded by Councilman Bamonto.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Williams advised he recently attended the Cable TV Board Meeting, equipment needs were discussed, and council would have to be in agreement for any purchases. Councilman Williams further advised the Historical Society will hold its next meeting this Wednesday at 6:30 PM at the SUNY Fredonia Incubator.

Councilman Bamonto advised the adult basketball league playoffs begin tonight; there will be a Co-ed Softball League Meeting and an Adult Fast pitch Softball League Meeting next Monday at 6:00 PM and 7:00 PM respectfully in the Conference Room. Councilman Bamonto further advised there will be a fast pitch tournament May 21st at Wright Park and School #7.

Councilman Bamonto asked for an update on potholes in the city.

Department of Public Works Director Bennice advised the city paved Lynx Street today; they currently working on the potholes and they are in the process of preparing a street paving list.

Councilman Gonzalez spoke in regard to a raccoon issue on Sixth Street and Park Avenue and asked Animal Control Officer Purol about his duties.

Animal Control Officer Purol advised he is only contracted to catch dogs with the city, not trap animals and stated "this hasn't been done in the past six years and it hasn't been done by my predecessors, the animals can be trapped, there are companies that do that, but just like any animal control officer in Chautauqua County, it is not part of the duties to catch animals for the municipalities in that we work for."

Councilman Gonzalez asked were you hired to catch animals for the city.

Animal Control Officer Purol replied he was not hired by the city to catch all animals, he was hired to catch dogs, the catching of additional animals could be negotiated into his contract

and explained if the city wants him to catch all animals they would have to provide liability insurance, equipment, a place and a method to dispose of the animals. Animal Control Officer Purol further advised the city currently does not provided him any insurances or benefits, no vehicle, liability insurance, or equipment and explained that no ACO in the county provides that type of service. Officer Purol stated he is not sure that the city wants to get into the position of trapping every animal, no one really understands what that would entail; he is willing to negotiate the contract and has always done more than what he was hire to do as he has helped residents with sick animals and bats.

Councilman Gonzalez advised the council will have to sit down and redefine the duties of this position.

Councilman Bamonto asked what animals can you catch.

Animal Control Officer Purol stated "my main goal is to catch dogs; I also pick up sick animals, if someone has a sick animal in their back yard, dead animals in the road, and a bat in a lady's house that's what I was hired to do."

Mayor Rosas advised the Animal Control Officer is the only position in the city that is directly under the supervision of the common council, neither him nor the Chief of Police has a say in what the officer does.

Councilman Gonzalez asked Fire Chief Edwards for an update on fire hydrant flushing.

Fire Chief Edwards advised hydrant flushing and maintenance of the hydrants is the responsibility of the Department of Public Works and Water Department; his department is only responsible for flow testing of the hydrants and his department tested one-third of those hydrants in the fall. Fire Chief Edwards further advised hydrant flushing records are kept by the Water Department and flow test reports are kept by his department and a copy is sent to the Water Department.

Mayor Rosas advised he has spoken with Fire Chief Edwards today; they are in the process of putting a procedure in place for the flushing of hydrants and are hopeful a procedure will be in place by the next council meeting.

Councilwoman Szukala responded to Councilman Gonzalez's issues with the Animal Control Officer and advised that she and Councilman-at-large Woloszyn recently met with Animal Control Officer Purol, council members will receive an email about that discussion, his duties and will to try to answer their questions before the contract is up for renewal at the end of June.

Councilwoman Szukala advised fire hydrant flushing was discussed with Fire Chief Edwards at the last Public Safety Meeting and asked Mayor Rosas to look into the possibility of the summer help or prisoner program to assist in the painting of the fire hydrants.

Councilwoman Szukala asked for an update on the Fourth Ward playground.

Deputy Director of Development Waite advised the holdup on the ordering of equipment is probably due to the fact that they want to order it the same time they order the playground equipment for Wright Park, which should be soon.

Councilwoman Szukala advised if she could be of any assistance to let her know, would like to be kept informed and part of the process.

Councilwoman Szukala spoke in regard to the workshop sessions and advised if they are to be televised then upgrades are needed in the conference room.

Councilwoman Szukala responded to Mike Civileto regarding rental property issues, advised former Councilwoman Floramo worked extensively on it, her research was passed onto Councilman Rivera once she left office and that he should contact him for all that documentation.

Councilwoman Szukala stated it was brought to her attention by several city residents that the Hoyt Street paving project may not occur and advised HUD money was specifically set aside last year for that project. There are specific rules and regulations' regarding the use of HUD money, the city has gotten in trouble in the past for misuse of HUD money and does not want that to happen with this project.

Deputy Director of Planning and Development Waite agreed with Councilwoman Szukala regarding HUD money, the city cannot change what streets they want to do especially since that the money was earmarked last year for that project, and materials have been purchased.

Department of Public Works Director Bennice advised this was just discussion only and proceeded to explain the difficulties involved in repairing that street.

Councilman Gonzalez asked Mike Civileto for the information he has regarding rental properties so he can follow-up on it.

Councilman-at-large Woloszyn thanked Department of Public Works Director Bennice and the Boys and Girls Club for the cleanup of the Main Street Beach.

Department of Public Works Director Bennice advised the city has to get permission from the DEC and Army Corps of Engineers to cut the grass at that beach as the animals there are protected species.

Councilman-at-large Woloszyn thanked Mike Civileto and Tom Taylor for speaking tonight and advised Mr. Taylor to follow-up with Building/Zoning Officer Zurawski as he will do the same.

Councilman-at-large Woloszyn spoke in regard to the newspaper article regarding Department of Public Works Director Bennice and stated Mr. Bennice is extremely busy, especially this time of the year, however, upon further dissection of that article those questions were directed at him over a series of three meetings within a two week time period, they were not all directed at him during one meeting.

PRE-FILED RESOLUTIONS:

RESOLUTION # 48 -2016

May 3, 2016

BY COUNCILMAN GONZALEZ:

**AUTHORIZING BUDGET LINE MODIFICATIONS
For Fiscal Year 2016**

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 2016, ending December 31, 2016; now, therefore, be it

RESOLVED, that the Fiscal Affairs Officer is hereby authorized and directed to make the following modifications to the Fiscal Year 2016 budget:

Fund 2 - Water Fund

Account Number	Department	Line	Change
002.8330.4036	Water Laboratory	Contracted Services	\$ 13,500
002.1900.1990	Water General Services	Contingencies Allowance	\$ (13,500)
TOTAL			\$ -

Fund 1 - General Fund

Account Number	Department	Line	Change
001.1900.1920	General Services	Municipal Assoc. Dues	\$ 5,213
001.1640.4061	Central Garage	Vehicle Fuel	\$ (5,213)
TOTAL			\$ -

Carried, all voting aye.

RESOLUTION # 49 -2016

May 3, 2016

BY COUNCILMAN GONZALEZ:

**AUTHORIZING BUDGET LINE MODIFICATIONS
For Fiscal Year 2016**

WHEREAS, there is a need to make timely adjustments to the 2016 Fiscal Year to address modifications in certain line items for receipt of restricted drug enforcement funds, now, therefore, be it

RESOLVED, that the Fiscal Affairs Officer is hereby authorized and directed to make the following line item budget modifications to properly reflect needed modifications in certain line items in the Fiscal Year 2016 budget:

Fund 1 - General Fund

Account Number	Department	Line	Change
Revenue			

001.0001.2264	General Fund	Restricted Drug Enforcement	\$	11,094
Appropriation				
001.3120.4240	Police-General Fund	Restricted Drug Purchase	\$	11,094

Carried, all voting aye.

RESOLUTION #50-2016
May 3, 2016

BY: ENTIRE COUNCIL

**CONSENT TO APPOINTMENT OF
DIRECTOR OF PLANNING AND DEVELOPMENT**

WHEREAS, Section 2-10.02 of the City Code provides that the Director of Planning and Development shall be appointed by the Mayor, with the consent of the Common Council; and

WHEREAS, pursuant to Section 2-10.02 of the City Code, Mayor Wilfred Rosas has appointed Deborah Williams, of 453 Auburn Avenue, Buffalo, NY 14213, to the position of Director of Planning and Development for the City of Dunkirk, subject to the consent of the Common Council; now, therefore, be it

RESOLVED, that Deborah Williams, be confirmed as Director of the Department of Planning and Development for the City of Dunkirk, effective May 2, 2016, at Fifty Thousand Dollars and Zero Cents (\$50,000.00) *per annum*.

Councilman Williams advised the individual listed in this resolution is not his sister and is no relation to him.

Carried, all voting aye.

RESOLUTION #51-2016
May 3, 2016

BY: ENTIRE COUNCIL

**AMENDING COMMON COUNCIL RULES OF ORDER
(CITY CHARTER, APPENDIX 1)**

WHEREAS, the City of Dunkirk Common Council, by Resolution No. 74-2012 (September 18, 2012), adopted a set of Rules of Order which are intended to govern the proceedings of the council; and,

WHEREAS, as part of such Rules of order, preview workshops, which were previously scheduled to commence one-half (1/2) hour before regularly-scheduled Common Council meetings were eliminated; and,

WHEREAS, the Common Council believes that it would be in the best interests of the residents and taxpayers of the City and would provide more efficient practices for Citizens, taxpayers, the City, and its employees, to re-institute "Preview Workshops" which will convene one half hour prior to the regularly scheduled Common Council meetings; now, therefore, be it

RESOLVED, that the Rules of Order of the Common Council are hereby amended as follows:

CITY CHARTER, APPENDIX 1, I. MEETINGS

1. The regular meetings of the Common Council shall be held the first and third Tuesday of every month at 5:30 P.M. in the Common Council Chambers in the City Hall, unless changed at a prior meeting. **Preview workshops shall convene at 5:00 on the day of each regular meeting.**

(Matter underlined and **bold** is new)

Councilwoman Szukala inquired about tabling this resolution for public comment as has been past practice.

City Attorney Brautigam advised this is acceptable.

Councilman-at-large Woloszyn clarified issues regarding the reinstatement of the workshop sessions and stated "this workshop that we're looking to start again is no different than the workshop that has existed the past 10, 20, 30 years, however many years, that was abolished in 2012. It is a 100 percent open meeting, open to the public, open to the press, open to the department heads, open to the TV, and prior to the meeting starting this evening, Councilwoman Szukala touched on it a few moments ago; we spoke with the head of our TV service, Chip Riewaldt, he offered to put the meetings, the workshop sessions, also on ACCESS 12, so those will be televised meetings as well. Everything will be out in the open; all this does is gives us another opportunity to work out the kinks in the resolutions, to work out the kinks in the discussions and so forth." Councilman-at-large Woloszyn reminded residents by law, the five council members can only get together to discuss items if it is a public and advertised meeting and they are only legally able to meet twice a month, which is currently these council meetings. Council currently communicates through text messages, telephone conversations and text messages regarding items on the agenda and other items, however, a lot gets lost in translation which is why for the betterment of the city, council is looking to bring back the workshop sessions.

Councilwoman Szukala moved to table this Resolution with a Public Hearing to be held on May 17th at 5:15 PM.

ADJOURNMENT:

Councilwoman Szukala moved to adjourn. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Adjourned at 6:23 PM

Lillian R. Divine, City Clerk
