

COMMON COUNCIL PROCEEDINGS**June 7, 2016**

The meeting was called to order at 5:30 PM by Councilwoman Szukala followed by the Pledge of Allegiance.

Present: Councilmen Williams, Bamonto, Gonzalez, and Councilwoman Szukala.

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 Mleczo, Personnel Administrator Heyden, Recreation Program Coordinator Hall, Fire Chief Edwards and Lieutenant McAfee.

Councilwoman Szukala excused Councilman-at-large Woloszyn and Police Chief Orlolano from tonight's meeting and advised Lieutenant McAfee is in attendance this evening.

Councilwoman Szukala called for a motion according to the City Charter to preside as Acting Councilwoman-at-large for this meeting.

Motioned by Councilman Bamonto Seconded by Councilman Gonzalez.

Carried, all voting aye.

Certification of May 17, 2016 meeting was read by City Clerk Divine.

RESOLVED: That the reading of the minutes of Tuesday, May 17, 2016 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

No one spoke.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Rosas read the following letter received on May 26th from Dave and Sue Nicosia:

"Dear Mayor Rosas,

We would like to extend our gratitude to City of Dunkirk Public Works Director Greg Bennice and the city workers who responded so expeditiously to our emergency situation on Monday, March 28th, when two very large tree limbs fell due to high wind gusts. Our son's vehicle was crushed in the driveway, and there was extensive damage to our house on Deer Street. City crews responded in horrible weather conditions to clear a massive amount of debris from the driveways on either side of our house within a few hours that same afternoon. The next morning workers were on the scene to haul the debris away and rake the yard to remove any remaining sticks.

Subsequently to the clean-up activities, Mr. Bennice worked diligently to arrange for the removal the aged and decayed trees that continue to pose a risk to our property. We are extremely grateful to the City of Dunkirk and especially to DPW Director Greg Bennice for addressing this issue in such an efficient and thorough manner. This is a clear example of the dedication of our city employees.”

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition from National Multiple Sclerosis Society to use Point Gratiot as a rest stop for its cyclist's on August 6th between 9:00 AM until 2:00 PM. Also requesting permission to setup a tent, tables, and chairs.

Acting Councilwoman-at-large Szukala advised a motion to approve was needed and referred this to appropriate departments as well as approve subject to appropriate insurances and usual conditions.

Acting Councilwoman-at-large Szukala advised a motion to approve was needed.

Councilman Williams moved to approve. Seconded by Councilman Bamonto.

Carried, all voting aye.

Petition from Northern Chautauqua County Youth Hockey Association to use Wright Park basketball courts on August 20th (August 21st Rain date) for their “Annual Street Hockey Tournament.” Also, requesting permission to have a bounce house, food vendors and a small concession stand and the presence of the Mayor and Council for the honorary puck/ball drop at approximately 8:45 AM.

Acting Councilwoman-at-large Szukala advised a motion to approve was needed and referred this 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.

Petition from Catholic Charities WIC to use Washington Park on August 5th from 10:00 AM until 12:00 PM.

Acting Councilwoman-at-large Szukala advised a motion to approve was needed and referred this to appropriate departments as well as approve subject to appropriate insurances and usual conditions.

Councilman Gonzalez moved to approve. Seconded by Councilman Williams.

Carried, all voting aye.

Petition from Ryan Hall, Youth and Recreation Program Coordinator, to use city picnic tables, trash cans, trash bags and gloves on Wednesday, June 22nd at 9:00 AM for the 15th “Annual Senior Sweep Program.”

Councilman Bamonto asked Recreational Program Coordinator Hall has he received any donations and will equipment and gloves be needed for this event.

Recreation Program Coordinator Hall advised he reached out to several businesses yesterday for donations and is awaiting their responses and he will need gloves for this event.

Councilman Gonzalez asked have you reached out to businesses who sell gloves.

Recreation Program Coordinator Hall further advised he has contacted Home Depot, and will contact Weiss Hardware, Service Hardware and several other business requesting donations for gloves.

Acting Councilwoman-at-large Szukala asked on the status of T-shirts for the students and advised she is willing to answer any questions or concerns he has regarding this event.

Recreation Program Coordinator Hall advised he has spoken with the Senior Class Advisor regarding T-shirts and they will be ordered tomorrow.

Acting Councilwoman-at-large Szukala advised a motion to approve was needed.

Councilman Bamonto made a motion to approve. Seconded by Councilman Gonzalez.

Carried, all voting aye.

Uninsured/Underinsured Motorist claim from Edgar Kujawa.

Acting Councilwoman-at-large Szukala advised a motion to refer to the Law Department was needed.

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

Carried, all voting aye.

Loudspeaker application from Richard Sikes to use speakers and a radio at the Dunkirk Firemen's Grounds on July 9th from 7:00 PM until 9:00 PM.

Acting Councilwoman-at-large Szukala advised a motion to approve this application was needed.

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

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Williams had questions and concerns regarding displaced workers from NRG and Carriage House, a house on the corner of Pangolin and Pine Street, this year's street paving list, and loose millings at the basketball courts at Wright Park. Also had questions

regarding the cleanup of Main Street beach, city street sweeper, CSX Railroad overpasses, the garbage at the end Deer Street, patching water lines and proper safety equipment available to city employees.

Personnel Director Heyden advised he has spoken with Katie Giess from the Workforce Investment Board and Chautauqua Works and Department of Labor have programs and subsidies available for dislocated workers.

Building/zoning Officer Zurawski advised he inspected the house on Pangolin and Pine Street today and a violation letter has been sent to the homeowner.

Department of Public Works Director Bennice advised he has a street paving list for 2016, there is a list from 2015 that has not been completed and the city will begin paving Ruggles Street, Lake Front Boulevard and Sixth Street and work on the Hoyt Street Project needs to begin. Proceeded to explain the need for the loose millings to remain at the basketball courts, the Main Street beach berm and advised the street sweeper has been in use the past few days.

Department of Public Works Director Bennice advised the CSX Railroad is required to do structural inspections on the overpasses once a year but are not required to paint them on a yearly basis.

Mayor Rosas advised the city has new staff on board this year and everyone is learning how to communicate with each other; he will be holding a meeting soon to establish and create a flow chart showing a chain of command within the city.

Department of Public Works Director Bennice stated the garbage on Deer Street will be addressed tomorrow; announced the streets where waterlines have been patched and advised city employees in his department have protective gear made available to them, encourages them to use it, but was unsure if they use it.

Councilman Williams announced the following meetings: Citizen's Advisory Committee Meeting will be held tomorrow at 6:30 PM in City Hall, Historical Society Meeting will be held tomorrow at 6:30 PM at the Historical Society, Dunkirk Housing Authority Meeting will be held this Thursday at 4:00 PM at the High Rise Building and the Dunkirk Harbor Commission will meet next Wednesday at 6:00 PM in City Hall, all meetings are open to the public.

Councilman Bamonto advised the next Personnel and Recreational Committee Meeting will be held on June 15th at 4:00 PM in the Mayor's Conference Room and thanked Department of Public Works Director Bennice for removing the goal posts at the Fourth Street field.

Councilman Bamonto asked who is responsible for maintaining the railroad tracks on Lake Shore Drive by NRG as he is receiving complaints from residents about damage to their vehicles from those tracks, asked for an update on the Amenities Grant and for a start date for street paving.

Building/Zoning Officer Zurawski advised those tracks are under continual repair and the city is not responsible for maintaining the repairs on those tracks.

Mayor Rosas advised he is waiting to receive the contract from New York State for the Amenities Grant and is expecting to receive it within the next week.

Department of Public Works Director Bennice advised street paving is expected to begin this Thursday or Friday.

Councilman Gonzalez asked what part of Sixth Street will be repaved and for an update on hydrant flushing.

Department of Public Works Director Bennice advised Sixth Street will be repaved from Woodrow Avenue to Brigham Road and patch work only will be done from Main Street to Woodrow Avenue.

Mayor Rosas advised he has been working on a procedure for hydrant flushing and has spoken with the appropriate personnel regarding hydrant flushing.

Councilman Gonzalez asked who is responsible for painting the CSX Railroad tracks overpasses.

Department of Public Works Director Bennice advised he assumes CSX Railroad is responsible for painting the overpasses but is not exactly sure.

Mayor Rosas advised he will make the appropriate phone calls regarding this matter.

Councilman Gonzalez advised he has received several compliments regarding Memorial Day and thanked Mayor Rosas for his work.

Acting Councilwoman Szukala-at-large asked for an update on the Fourth Ward playground, and Waste Water Treatment Plant upgrades.

Director of Public Works Director Bennice advised the playground should be finalized soon and stated Fiscal Affairs Officer Halas is the point of contact regarding Water Treatment Plant Proposal and asked him to explain.

Fiscal Affairs Officer Halas advised a proposal will be presented to the council soon regarding the funding and engineering and the city is looking to retain the services of Wendell Engineering.

Acting Councilwoman-at-large Szukala advised she received an e-mail from the DEC announcing the closing of the City Pier for approximately six weeks for construction and upgrades and asked for an explanation as she has concerns regarding this closure.

Mayor Rosas advised he received the same e-mail and has confirmation from the DEC that it is not the City Pier and asked Building/Zoning Officer Zurawski to explain.

Building/Zoning Officer Zurawski advised the repair work is for the fishing pier/platform at Niagara Mohawk by the coal pile, this is being funded through the New York Works Program and stated the City Pier is not being closed.

Acting Councilwoman-at-large Szukala inquired about the berm along Third Street, the high grass along the tracks in the Fourth Ward to Main Street and a house on lower block of Hoyt Street.

Building/Zoning Officer Zurawski advised the city does not have jurisdiction or authority over the railroad properties that is the responsibility of CSX Railroad, and stated he has contacted the homeowner on Hoyt Street advised her of the violations and is hoping to meet with her.

Councilman Williams congratulated Hose Company #1 on their 150th Anniversary.

Councilman Gonzalez advised semi-trucks are continuing to use Main Street from Sixth Street to Dunkirk Ice Cream as a short cut; as a result trucks are getting stuck and are blocking traffic, stated this has been discussed in the past and "No Truck" signs should have been posted on that street.

Lieutenant McAfee advised he had no knowledge of this situation.

Department of Public Works Director Bennice advised he will look into this matter.

PRE-FILED RESOLUTIONS:

RESOLUTION #54-2016
June 7, 2016

BY THE ENTIRE COUNCIL

**AUTHORIZING AMENDMENT TO LEASE AGREEMENT WITH DUNKIRK CITY
SCHOOL DISTRICT (Marauder Drive)**

WHEREAS, the City of Dunkirk owns certain premises bordered roughly by Marauder Drive and Lucas Avenue (designated as s/b/l 96.06-2-1) that have been utilized for sports and recreation facilities; and

WHEREAS, the Dunkirk City School District (the "District") wishes to amend an agreement, entered into pursuant to Common Council Resolution 2013-20, which memorialized the use of that property as athletic fields, for practices and games for various sporting events, including but not necessarily limited to baseball, softball, and soccer contests, as well as to improve a portion of the property including an access road to Van Miller Way; and

WHEREAS, the District requires an amendment to that lease to include a parcel of real property adjacent to the previously leased property, which has been maintained and controlled by the District despite its exclusion in the original lease; and

WHEREAS, it would be in the best interests of the City of Dunkirk to amend the Lease Agreement with the District to include the adjacent parcel; now, therefore be it

RESOLVED, that the Common Council hereby authorizes and directs the Mayor to execute any required documents to amend a Lease Agreement with the **Dunkirk City School District**, 620 Marauder Drive, Dunkirk, New York 14048, for the District's use of and improvement to certain property of the City, bounded roughly by Marauder Drive and Lucas Avenue (being a part of s/b/l 96.06-2-1).

Carried, all voting aye.

RESOLUTION #55-2016
June 7, 2016

BY ENTIRE COUNCIL:

AUTHORIZING INSTALLATION OF CONVENIENCE OUTLET

WHEREAS, the City of Dunkirk, as part of its normal course of business, requires access to electrical outlet(s) on or about Lake Front Boulevard; and

WHEREAS, National Grid is willing and able to install a convenience outlet on a wood pole on Lake Front Boulevard; now, therefore be it

RESOLVED, that National Grid is authorized to install one convenience outlet on existing wood pole (Wood Pole no. 11) on Lake Front Boulevard in the City of Dunkirk. The annual charge, subject to rate change updates, shall be of fifty nine dollars and eighty six cents (\$59.86), and that amount shall be added to the City's bill No. 11938-79105. The City shall be responsible for any charges generated from that outlet. The City shall notify National Grid of the equipment wattage, hours of use, and number of days of use. National Grid shall provide regular bills to the City under Public Service Contract 220, Service Classification No. 2.

Carried, all voting aye.

NEW BUSINESS:

RESOLUTION #56-2016
June 7, 2016

BY: THE ENTIRE COUNCIL

TRANSFERRING FUNDS FROM THE WILLIAM CEASE FUND

WHEREAS, the William Cease Fund (the "Fund") was created to support youth activities within the City of Dunkirk; and

WHEREAS, the Fund currently has the funds available and designated for youth use in a reserve account; and

WHEREAS, the Dunkirk School District "Senior Sweep Program", which provides positive community engagement City youth, has requested financial assistance from the City through the Fund in order to purchase a gloves and other necessary equipment for its annual program; now, therefore, be it

RESOLVED, that a transfer not exceeding One Thousand, Two Hundred Dollars Dollars and Zero Cents (\$1,200.00) be withdrawn from the William Cease Fund account in accordance with the terms of the reserve fund to contribute toward the Senior Sweep Program; and, be it finally

RESOLVED, that the Fiscal Affairs Officer and the Treasurer's office make the following entries on the ledger of this City, to accommodate the City's share of this project:

| <u>ACCOUNT NO.</u> | <u>LINE</u> | <u>INCREASE</u> | <u>DECREASE</u> |
|--------------------|--------------------------|-----------------|-----------------|
| 001-7140-4162 | Senior Sweep Program | \$1,200.00 | |
| 001-0001-5031 | Inter-fund Transfer | \$1,200.00 | |
| 070-0070-2403 | Reserve/Youth Programs | \$1,200.00 | |
| 070-0070-9901-9000 | Transfer to General Fund | \$1,200.00 | |

The following journal entries will be recorded upon approval:

| | | | |
|--------------------|--------------------------|------------|------------|
| 070-0070-0200-2016 | Cash | | \$1,200.00 |
| 070-0070-9901-9000 | Transfer to General Fund | \$1,200.00 | |
| 001-0001-0200-0216 | Cash | \$1,200.00 | |
| 001-0001-5031 | Inter-fund Transfer | | \$1,200.00 |

Carried, all voting aye.

ADJOURNMENT:

Councilman Gonzalez moved to adjourn. Seconded by Councilman Bamonto.

Carried, all voting aye.

Adjourned at 6:09 PM

Lillian R. Divine, City Clerk
