

COMMON COUNCIL PROCEEDINGS
July 5, 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 Brautigam, Public Works Director Bennice, Fiscal Affairs Officer Halas, Building Inspector Zurawski, Deputy Director of Planning and Development Waite, Personnel Administrator Heyden, and Police Chief Ortolano.

Councilman-at large Woloszyn excused Fire Chief Edwards, City Treasurer Woods, and Clerk, Board of Assessors Mleczo from tonight's meeting.

Certification of June 21, 2016 meeting and June 24, 2016 special meeting was read by City Clerk Divine.

RESOLVED: That the reading of the minutes of Tuesday, June 21, 2016 and Friday, June 24, 2016 be dispensed with.

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

Carried, all voting aye.

PUBLIC COMMENTS:

Sam Mancuso, 36 N. Beaver Street, Dunkirk, New York, thanked Mayor Rosas for the Air Show and July 4th festivities this past weekend and spoke in regard to the sand berm at the North Main Street beach. Mr. Mancuso proceeded to explain the purpose of the berm, stated the berm works, the seagrass or dune grass was planted approximately 10 years ago, and funding for the grass came from a grant from Fredonia State University (\$1,000.00), before the berm was installed. Mr. Mancuso advised the seagrass is now in the wrong place and asked for permission to move the grass to the crown of the berm to prevent the sand from moving. Mr. Mancuso commended Department of Public Works Director Bennice for his work especially considering the limited manpower and equipment that is available to him.

Councilman-at-large Woloszyn advised council is aware of the concept of the berm; however, their questions towards DPW Director Bennice were geared towards the garbage that accumulates at that beach and the cleanup of the beach. Councilman-at-large Woloszyn advised there will be further discussion of the seagrass and the berm at a later date and Mr. Mancuso is welcomed to attend those meetings.

Diane Anson, 28 Otter Street, Dunkirk, New York, commended the city for this past weekend's July 4th festivities and the Air Show. Mrs. Anson advised there were so many activities scheduled during the same time period such as the Regatta, Juneteenth Festivities, Relay for Life, Monnies Stag picnic and other activities that residents couldn't enjoy the activities and suggested that perhaps the city could meet with the local clubs to see what events they have planned so events don't overlap each other.

Mrs. Anson advised she has concerns regarding the individual who is purchasing a major portion of properties on Central Avenue and asked for an update and what are his plans are for the property.

Mrs. Anson commented on the sand dune at the Main Street beach, advised the beach is being used and commended the Mayor, Council and Police Department for their work and stated "I am a proud Dunkirk citizen and I really want to see this place take off. I really want to see it grow; I want to see businesses come back, like it was years ago; I might be living in the past but I still have old-time dreams that I hope will come to the future."

Councilman-at-large Woloszyn advised he will address the property purchases during his reports portion of tonight's meeting.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Rosas thanked Mrs. Anson and Mr. Mancuso for their compliments and advised the Independence Day weekend's events were a success; he has received positive feedback for the events, the city exceeded the numbers it had anticipated, and all departments worked together and did an excellent job. Mayor Rosas thanked the Police Chief, Fire Chief, DPW Director, Engineer and all City Departments and stated he was very proud to be the Mayor this past weekend and was impressed by the professionalism by all of his departments.

Mayor Rosas advised there were two outstanding grants from previous administrations and asked Fiscal Affairs Officer Halas to explain the grants.

Fiscal Affairs Officer Halas advised there was a \$250,000.00 outstanding grant from January 2008 from the Empire State Development for the Seawall and Dunkirk Waterfront Recreation Trail and with the assistance from the Mayor and Councilman-at-large Woloszyn they were able to close out that grant. The second grant from 2009 for \$50,000.00 was from the Department of State Community Projects Fund and advised these funds will be applied to outstanding loans.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Petition from Dunkirk Midget Football League to use the corners of Fourth Street and Central Avenue, Central Avenue and Fifth Street and W. Doughty Street near the Fire Hall to conduct a "Tag Day" fundraiser on August 13th from 9:00 AM until 2:00 PM.

Councilman-at-large Woloszyn 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 this petition. Seconded by Councilwoman Szukala.

Carried, all voting aye.

Petition from Cassadaga Job Corps Academy for permission to conduct horse and carriage rides at Point Gratiot on July 28th from 7:00 PM until 9:45 PM for their annual prom.

Councilman-at-large Woloszyn 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 Councilwoman Szukala.

Carried, all voting aye.

Petition from Chautauqua Opportunities Inc. to use a pavilion at Wright Park 6:00 PM until 7:00 PM Thursdays from July 21, 2016 through September 8, 2016 for a Personal Enrichment series.

Councilman-at-large Woloszyn advised this petition was pulled during tonight's workshop session for more information from this group.

Petition from Iglesia Getsemani AG to use Washington Park on Saturday, July 23rd from 12:00 PM until 3:00 PM for a Community Event.

Councilman-at-large Woloszyn 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.

Loudspeaker application from Loyal Order of Moose Lodge #89 for a D.J. and a band on July 30th and August 13th from 1:00 PM until 5:00 PM.

Loudspeaker application from the Dom Polski Club to use microphones, amplifiers, and band equipment on August 14th from 2:00 PM until 6:00 PM.

Loudspeaker application from Iglesia Getsemani AG for loudspeakers at Washington Park on July 23rd from 12:00 PM until 3:00 PM.

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

Councilman Williams moved to approve. Seconded by Councilman Bamonto.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Williams advised this past weekend's events were spectacular, commended the police presence and Police Chief and stated there were no incidents.

Councilman Williams asked when the Upward Bound Program will receive their donation request from the William Cease Fund.

Fiscal Affairs Office Halas advised a formal request and purchase order needs to be processed, and proceeded to explain the process and procedures that need to be followed to

release the funds from that account and stated he will have the Mayor's secretary follow-up on this.

Mayor Rosas advised the Upward Bound Program maybe unaware of the process.

Councilman Williams spoke in regard to the sand berm at the Main Street beach and stated the DEC wants that area grass free and debris free and stated that beach is used by many individuals.

Sam Mancuso advised the grass helps prevent erosion and spoke in regard to the sand at Wright Park and stated although there is the seawall, there is a lot of sand in the Wright Park area, there is no berm down there and reiterated the berm works.

Councilman Williams asked is the Development Department working on grants regarding the Railroad Train Station.

Deputy Director of Planning and Development Waite advised the city is not working on any grants specifically designed for a Railroad Train Station; however, the Train Station Project was included in another application.

Councilman Bamonto asked Mayor Rosas for an estimate of how many people attended this weekend's Air Show, has received nothing but compliments regarding this past weekend and thanked everyone who made the show possible

Mayor Rosas advised approximately 30,000 people attended this weekend's Air Show and thanked Special Events Coordinator Hector Rosas for his work on this project.

Councilman Bamonto thanked Mrs. Anson and Mr. Mancuso for speaking tonight.

Councilman Gonzalez advised the next Economic and Development Committee Meeting will be held July 19th at 4:00 PM and thanked everyone involved with this weekend's events as he had family and friends with him from out of town, and stated they were impressed with the cities activities.

Councilman Gonzalez stated the berm at Main Street beach is maintained yearly to maintain its effectiveness and inquired about a decaying tree in front of his house.

Department of Public Works Director Bennice advised he will mark the tree and contact Niagara Mohawk on his behalf.

Councilwoman Szukala spoke in regard to the Main Street beach berm, advised the compromised reached earlier in the year was a good compromise, the beach is being used and has been cleaned. Councilwoman Szukala stated she feels the berm needs to be raised in the fall before the winter season as the sand does wreak havoc in our water system.

Department of Public Works Director Bennice advised he would leave the berm as is unless it presents a problem, otherwise he would need to make arrangements with the County for use of a bulldozer as the city does not have its own bulldozer.

Councilwoman Szukala asked city resident Sam Mancuso to keep the city posted and to keep in contact with DPW Director Bennice regarding the berm.

Mr. Mancuso advised planting dune grass at the top of the berm would solve the whole problem.

Councilwoman Szukala asked Deputy Director of Planning and Development Waite for an update on CDBG activities.

Deputy Director of Planning and Development Waite advised today was the first day for the city's new Community Development Planner, Christina Lincoln, and stated she is getting accustomed to the program and will contact HUD regarding training for her position. Deputy Director of Planning and Development Waite further advised she submitted the CDBG Consolidated Annual Performance Evaluation Report (CAPER) report last week, before the June 30th deadline and stated the city is still awaiting this year's program contract, which began April 1st, and work cannot begin on this year's activities until the city receives that contract.

Councilwoman Szukala asked for an update on Phase II and Phase III Consent Order.

Mayor Rosas advised there is a meeting scheduled this Thursday for the Consent Orders and the project is moving forward.

Councilwoman Szukala spoke in regard to the property purchases on Central Avenue, advised the city does not own the properties and stated she has concerns on the usage intent for these buildings, will they create jobs, will the current tenants be evicted and will the new owners be seeking tax exemption status on these properties.

Mayor Rosas advised the city has been trying to contact representatives from New York City or their local attorney; contact was made today and asked Fiscal Affairs Officer Halas to explain.

Fiscal Affairs Officer Halas advised the DLDC leases a portion of the Stearns Building, one the buildings which has been sold, and the city needs certain information from the new owner such as Tax ID number and other vital information so a venders account can be setup; he was able to contact their attorney, John Reeves, and the companies name is USA Center for the Disabled. Fiscal Affairs Officer Halas further advised he asked John Reeves for their intent on those buildings and stated Mr. Reeves advised their intent is to continue the leases, and to setup their own offices to offer services to the disabled.

Councilwoman Szukala stated if Central Station has indeed received an eviction notice, she would like the city to help the new owner of this restaurant find a new location.

Building/Zoning Officer Zurawski clarified the name of this company and advised the correct name is United Secular American Center for the Disabled.

Fiscal Affairs Officer Halas advised he has received \$100,000.00 in purchase orders this week for Phase II work and advised Phase II needs to be closed out.

Councilman Gonzalez asked Building/Zoning Officer if he has received any notice from this group and he has concerns regarding an individual who is purchasing many homes in our city.

Building/Zoning Officer Zurawski advised he had a brief meeting with Mr. Reeve in the back parking lot in City Hall however; he has received no notices and will only receive notices if they are requesting zoning changes and in regards to the individual purchasing homes in our city, he is in contact with him on a regular basis.

Councilman-at-large Woloszyn thanked Department of Public Works Director Bennice and his crew on an outstanding job this past weekend and commended the Police Department, Fire Department, Mayor, Special Events Coordinator Rosas and Parks Department. Councilman-at-large Woloszyn also, commended the Parks Department for their quick cleanup response at the Waterfront this morning.

Department of Public Works Director Bennice commended the Parks Department for their work.

Councilman-at-large Woloszyn also spoke in regard to the property purchases on Central Avenue, advised he is a New York State Licensed Real Estate Broker, spoke about an article written in the local paper and stated Realtor, Ann Lapaglia's statement was correct, "any property that is bought or sold is a confidential real estate transaction until the day that it closes." Once the property has closed the information then becomes public record and anyone seeking any information on a piece of property can inquire about such property. Councilman-at-large Woloszyn advised any information at this time is speculation and is a private confidential matter until these properties close. The city cannot do anything about the purchases; however, the city will have a say in these buildings if the new owners decide to change the usage of these properties from commercial to residential, residential to commercial or to industrial usage. If the new owner wants to change the usage they would then have to come before the Planning and Development Board and the Building and Zoning Board requesting permission to change the usage of their buildings and it is at that point the city must become involved. The city has the same concerns the residents have but at this point there is nothing legally the city can do.

Police Chief Ortolano spoke in regard to this past weekend's July 4th festivities and stated this has been one of the best July 4th holiday weekends he has seen in his 30-plus years working for the city and thanked Mayor Rosas, his administration, Hector Rosas, Public Works Department, Parks Department and Fire Chief Edwards and his command staff. Police Chief Ortolano further advised there were many meetings with Airport Officials, FAA, and Coast Guard, regarding the Air Show and stated he sent out a memo to his staff commending them on their work this past weekend especially on their ability to moving people in and out of the city without any incidents or issues.

Department of Public Works Director Bennice stated this weekend's events were a big success.

PRE-FILED RESOLUTIONS:

RESOLUTION #67-2016
JULY 5, 2016

BY: COUNCILWOMAN SZUKALA

**AUTHORIZING CONTRACT WITH SELECTIVE INSURANCE COMPANY OF NY
FOR GENERAL LIABILITY, PROPERTY, AUTO AND PROFESSIONAL INSURANCE**

WHEREAS, the City's General Liability, Property, Auto and Professional insurance has been bid by the City of Dunkirk's broker of record, Lawley Tradition, LLC; and

WHEREAS, Selective Insurance Company of New York submitted a proposal for Three Hundred Twenty-Seven Thousand, One Hundred Fifty Dollars and Ninety-One Cents (\$327,150.91); now, therefore, be it

RESOLVED, the Mayor is hereby authorized and directed to sign any and all agreements necessary to contract with **SELECTIVE INSURANCE COMPANY OF NEW YORK**, 40 Wantage Avenue, Branchville, NJ 07890-1000, for the City's Commercial Insurance for the period July 8, 2015 through July 8, 2016; and, be it further

RESOLVED, that payment for this contract will be charged proportionately to City Budget Accounts: #001-1900-1910 (50 percent), #002-1900-1910(25 percent), and #003-1900-1910(25 percent).

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
