

COMMON COUNCIL PROCEEDINGS
April 3, 2018

The meeting was called to order at 5:30 PM by Councilman-at-Large Woloszyn followed by the Pledge of Allegiance.

Present: Councilman Williams, Bamonto, Heenan, Civiletto, and Councilman-at-Large Woloszyn.

Also present: Mayor Rosas, City Attorney Morrisroe, City Treasurer Woods, City Assessor Mleczko, City Clerk, Public Works Director Woodbury, Fiscal Affairs Officer Beach, Building and Zoning Inspector Zurawski, HR Director Campola, Executive Assistant to the Mayor Westling, Deputy Director of Development Hayes, Fire Chief Edwards, and Police Chief Ortolano.

Certification of the Tuesday, March 20, 2018 Common Council Meeting was read by City Clerk Ramos.

RESOLVED: That the reading of the Tuesday, March 20, 2018 Common Council Meeting be Dispensed with.

Councilman Williams made a motion to dispense with the minutes. Seconded by Councilman Bamonto.

Carried, all voting aye.

PUBLIC COMMENTS:

No one spoke.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Rosas advised for the record; “Last week the situation that occurred at the Water Plant was due to an accident that was caused by the contractor; who happens to be working there. It was not a faulty pipe or wear and tear. It was an accident. And I just wanted to commend publicly our guys, Bob Lawrie the Chief Operator at the plant, for a job well done, as well as our DPW Director Randy Woodbury. These guys were there, and worked pretty much throughout the night for several days. I’d also like to acknowledge the assistance of our engineer that we have contracted; our contracted engineer for that project, Hill Engineering. Gus Maas was also a huge help to the City and the contractor has been working with the City. They’ve got our water back in service and they are going to continue to work with us on the permanent fix to the issue that they created. So, I just wanted to make it clear to the council and to the public. What actually happened was an accident. It was not due to any faulty pipes or anything like that.”

Mayor Rosas also announced the City of Dunkirk will be having a groundbreaking ceremony for the Wright Park Improvements Project on Wednesday, April 11, 2018 at 10:00 AM and encouraged all to attend.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Request from the Dunkirk Joint Veterans Council to hold the Annual Memorial Day Service & Memorial Parade on Monday, May 28, 2018. Service at Memorial Park to begin at 10:00 AM with parade to follow. Also requesting reviewing stands and chairs at Memorial Park and City Hall and participation by the Mayor and City Officials.

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 made a motion to approve. Seconded by Councilman Bamonto.

Carried, all voting aye.

Request from Kevin Lucas on behalf of the WNY Lady Renegades 12U Girls Travel Softball to utilize the Dunkirk softball fields near Wright Park for a few of their home-based league games and team practices May through July 2018. (Proposed practice schedule April 21, 28, and May 5, 2018 from 10:00 AM until 11:30 AM and May 20, 2018 from 9:00 AM until 10:30 AM.

Councilman Bamonto advised this request is asking for dates through July, but the group only list dates through June and this could be a conflict with City Recreation activities, tournaments, and league play.

Councilman-at-Large Woloszyn requested City Clerk Ramos to contact Mr. Lucas and get specific dates for the July games or practices to see if they conflict with any existing games or practices; and if the fields are vacant or occupied all ready.

Councilman-at-Large Woloszyn asked for a motion **contingent** upon the appropriate departments as well as approve subject to appropriate insurances and usual conditions and dates of the games.

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

Carried, all voting aye.

Request from Kevin Lucas on behalf of the Lady Renegades to use Promenschenkel Stadium on Sunday, June 24, 2018 from 3:00 PM to 5:00 PM for the 12U Girls Softball game.

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 made a motion to approve. Seconded by Councilman Williams.

Carried, all voting aye.

Request from Tim Wdowiasz on behalf of the First Ward Falcons Club and Dunkirk Fast-Pitch Team to use Promenschenkel Stadium and Koch's Field on May 12, 2018 for the Early Bird Fast Pitch Softball Tournament.

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 made a motion to approve. Seconded by Councilman Bamonto.

Carried, all voting aye.

Request from Tim Wdowiasz on behalf of the First Ward Falcons Club and Dunkirk Fast-Pitch Team to use Promenschenkel Stadium and Koch's Field for their Annual Fast-Pitch Softball Tournament on July 13, 14, & 15, 2018, permission to operate a food stand in the area, and a waiver of the curfew at the Stadium for the three days.

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 made a motion to approve. Seconded by Councilman Bamonto.

Carried, all voting aye.

Request from Debbie Carapella for water service for a new residential home under construction at 5001 West Lake Road, Dunkirk, NY 14048.

Councilman -at-Large Woloszyn advised a motion was needed to refer to the Department of Public Works, the Treasurer's Office, the Town of Pomfret and/or the Town of Dunkirk.

Councilman Williams made a motion to approve. Seconded by Councilman Civiletto.

Carried, all voting aye.

Request from the Chautauqua County Department of Health and Human Services to hold a Pinwheel event at the Dunkirk City Hall on Friday, April 13, 2018 at 11:00 AM and for the Mayor to say a few words about the importance of child abuse prevention.

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 made a motion to approve. Seconded by Councilman Civiletto.

Carried, all voting aye.

Loudspeaker application from the Dunkirk Historical Lighthouse and Veterans Park Museum to use microphones and loudspeakers on May 28, 2018 at 8:00 AM for their Annual Memorial Day Service.

Councilman Williams made a motion to approve. Seconded by Councilman Civiletto.

Carried, all voting aye.

Loudspeaker application from the Dunkirk PBA to use a radio at the Large Pavilion of Point Gratiot on June 15, 2018.

Councilman Williams made a motion to approve. Seconded by Councilman Civiletto.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Williams advised Mayor Rosas, with regret, that he will not be able to attend the April 11th ground breaking ceremony in Ward One for the Wright Park Improvements Project.

Councilman Bamonto thanked those who worked around the clock to get the water back and advised he was proud of them.

Councilman Civiletto advised the next Public Safety Committee Meeting is scheduled for April 11, 2018 at 4:00 PM, thinks the City needs an alert system that is better than what we have because, "I did not hear about the accident and boil water order until late that day.", the City should do some education to train our citizens to get on the NY Alert list or a different type of alert system, and if the City can get an alert out better than the County, "Let's do it."

Mayor Rosas advised the boil water order was put out by the Chautauqua County Department of Health who holds the authority and responsibility to advise the community.

Councilman Bamonto advised he heard about the boil water alert by 7:00 AM on the morning of the incident

Public Work's Director Woodbury advised Councilman Civiletto has an excellent point, but this communication topic needs to be separated from the incident that happened. "The incident that happened was boil water advisory. All the indications we had said the water was safe to drink at all points. The County Health Department will advise people if they want to be absolutely safe to boil the water. All the test results that we have show that the water was safe the entire time. But, I think communication can always be improved on every item. So, I just want to separate the two items." "I think our priority was to let the County do their job. Their job is to do notification, and it's our job to fix the problem. So we concentrated on that."

Public Works Director Woodbury also thanked the Water Maintenance Crew, Jim Ganey, Steve Zatorski, the City Plumbing Inspector Jim Meyers, the Water Plant Chemist Kyle Schuster, and especially the Licensed Operator in charge that immediately stopped pumping the water when he noticed the water quality "so that no water ever got into the system".

Councilman-at-Large Woloszyn advised this topic could be further discussed at the next Public Safety.

Councilman-at-Large a announced that citizen Valerie Povlak would like it known that she had an article in the opinion section of the Observer Newspaper this past week, she would like the City to receive and file it, and she let us know that we should have read it if we haven't read it already.

Received and filed.

PRE-FILED RESOLUTIONS:

RESOLUTION #39-2018

April 3, 2018

BY: COUNCILMAN MICHAEL CIVILETTO:

**AUTHORIZATION OF A LEASE AGREEMENT
FOR AN OFFICE COPIER IN THE DEPARTMENT OF PLANNING AND
DEVELOPMENT**

WHEREAS, the current copier for the Department of Planning and Development is in need of significant repair, and it is more cost effective to enter into a new lease rather than repair the current copier, and

WHEREAS, the City is able to enter into a new equipment lease at One Hundred Fifty Dollars and Fifty Seven Cents (\$150.57) per month; be it hereby

RESOLVED, that the Mayor is hereby authorized to execute a sixty (60) month lease agreement with Eagle Systems Office Technologies for an office copier that includes maintenance, and supplies (excluding paper and staples) at a monthly payment of \$150.57, a black and white per impression charge of \$.0088 per month and a color per impression charge of \$.064 per month; and, be it finally

RESOLVED, that funds for this lease be allocated from budget account #001-8020-4050-0000, Contracted Services.

Councilman Heenan advised he spoke with Councilman Civiletto and Deputy Director of Development Hayes and was informed that this is about the same costs that they were paying previously so he is in favor of this resolution.

Carried, all voting aye.

RESOLUTION # 40-2018

April 3, 2018

By Entire Council:

AUTHORIZING LEASE OF AMBULANCE COTS FOR FIRE DEPARTMENT

WHEREAS, the Fire Department is in need of a new cots for use in ambulances; and

WHEREAS, the equipment has outlived its usefulness, as they are over 20 years old; and

WHEREAS, suitable replacements have been found; and

WHEREAS, sufficient funds are available in the Fire Department Budget in Line 001-3410-2000; and

WHEREAS, the cost of the cots from Stryker Medical is \$45,388.30; and

WHEREAS, Stryker Medical has certified that it is the sole manufacturer of cots with the required characteristics; thus, the standard three bid procurement process does not apply; now, therefore, be it

RESOLVED, that the Mayor is authorized and empowered to execute a lease agreement, on behalf of the City of Dunkirk, with Stryker Sales Corporation, 3800 E. Centre Avenue, Portage, MI 49002, for the lease of two ambulance cots and fasteners for the sum of Forty-five Thousand Three Hundred Eighty-eight Dollars and Thirty Cents (\$45,388.30), with such funds to come from Account 001-3410-2000.

Carried, all voting aye.

RESOLUTION # 41-2018
April 3, 2018

By Entire Council:

PROPOSED LOCAL LAW: THE SALE OF CITY-OWNED REAL PROPERTY

WHEREAS, the City of Dunkirk (“Dunkirk”)has parcels of real property it has always owned, along with paper streets that were planned for future growth after Dunkirk’s industrial surge in the early part of the 20th century; and

WHEREAS, Dunkirk has since then taken title to more parcels via the In Rem tax foreclosure process, HUD-funded Urban Renewal projects of the 1960s, 1970s and 1980s, and DLDC-funded economic development projects over the past few decades; and

WHEREAS, the Dunkirk City Code is currently silent on how to handle disposition of City-owned property short of the In Rem Tax Auction, now handled by Chautauqua County, or deferring to the default public auction process proscribed under the NYS General Municipal Law and General City Law, specifically §23; and

WHEREAS, that very same General City Law §23 defers to any local city law that addresses property disposition; now, therefore, be it

RESOLVED, that the City pass a local law under the City Code that grants this Council, in consultation with the City Assessor, the City Law Department, the City Treasurer and the City Development & Planning Director, to create a process giving Dunkirk the power to directly buy, sell, lease or transfer title to City-owned land, properties and paper streets (versus actual streets that fall under a different abandonment process as proscribed in NYS Highway Law §205) outside of the standard In Rem Tax Auction process without using the §23 public auction process; and be it further

RESOLVED, that said process include an application, review of the application by the Mayor, the appropriate Department heads and the City Council Finance Committee; and submission of potential transactions via Council

Resolution authorizing the Mayor to affect the transfers. Preferences will go to adjacent property owners for city-owned real property; and be if further

RESOLVED, that the City hold the necessary public hearing on this proposed local law at the next scheduled Common Council meeting.

Councilman-at-Large Woloszyn advised he was informed this resolution needs an amendment. The first “Resolved” in the resolution needs the words “and DPW Director” inserted on the third line after the words “...Development & Planning Director,”.

Councilman-at-Large Woloszyn asked for the roll call on the amendment.

Vote to amend Resolution: Carried, all voting aye.

AMENDED.

RESOLUTION # 41-2018
April 3, 2018

By Entire Council:

PROPOSED LOCAL LAW: THE SALE OF CITY-OWNED REAL PROPERTY

WHEREAS, the City of Dunkirk (“Dunkirk”)has parcels of real property it has always owned, along with paper streets that were planned for future growth after Dunkirk’s industrial surge in the early part of the 20th century; and

WHEREAS, Dunkirk has since then taken title to more parcels via the In Rem tax foreclosure process, HUD-funded Urban Renewal projects of the 1960s, 1970s and 1980s, and DLDC-funded economic development projects over the past few decades; and

WHEREAS, the Dunkirk City Code is currently silent on how to handle disposition of City-owned property short of the In Rem Tax Auction, now handled by Chautauqua County, or deferring to the default public auction process proscribed under the NYS General Municipal Law and General City Law, specifically §23; and

WHEREAS, that very same General City Law §23 defers to any local city law that addresses property disposition; now, therefore, be it

RESOLVED, that the City pass a local law under the City Code that grants this Council, in consultation with the City Assessor, the City Law Department, the City Treasurer, the City Development & Planning Director, and the Department of Public Works Director to create a process giving Dunkirk the power to directly buy, sell, lease or transfer title to City-owned land, properties and paper streets (versus actual streets that fall under a different abandonment process as proscribed in NYS Highway Law §205) outside of the standard In Rem Tax Auction process without using the §23 public auction process; and be it further

RESOLVED, that said process include an application, review of the application by the Mayor, the appropriate Department heads and the City Council Finance Committee; and submission of potential transactions via Council Resolution authorizing the Mayor to affect the transfers. Preferences will go to adjacent property owners for city-owned real property; and be if further

RESOLVED, that the City hold the necessary public hearing on this proposed local law at the next scheduled Common Council meeting.

Councilman-at-Large Woloszyn advised because this resolution is a change to a proposed local law a motion to TABLE this resolution was needed for a public hearing to be held on April 17, 2018 at 5:20 PM.

Councilman Williams made a motion to TABLE Resolution #41-2018 for a public hearing. Seconded by Councilman Civiletto.

Carried, all voting aye. TABLED.

RESOLUTION #42-2018
April 3, 2018

BY: COUNCILMAN WILLIAMS

**RESOLUTION TO AMEND RESOLUTION #36-2018 AUTHORIZING THE
IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE OF THE
STATE MULTI-MODAL PROGRAM-AID (AND STATE ADMINISTERED
FEDERAL PROGRAM-AID) ELIGIBLE COSTS, OF A CAPITAL PROJECT,
AND APPROPRIATING FUNDS THEREFORE**

WHEREAS, a Project for pedestrian improvements at the intersection of State Route 5 and Central Avenue, P.I.N. 5MA268.30N (“the Project”) is eligible for funding [under Title 23 U.S. Code, as amended, and] New York State’s Multi-Modal Program administered by the NYS Department of Transportation (NYSDOT); and

WHEREAS, the City of Dunkirk desires to advance the Project by making a commitment of advance funding of the non-local share and funding of the full local share of the costs of the Project; and

NOW, THEREFORE, the City Council Board, duly convened does hereby

RESOLVE, that the City Council Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the City Council Board hereby authorizes the City of Dunkirk to pay in the first instant 100% of the federal and non-federal share of the cost of construction work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$50,000 is hereby appropriated from the City of Dunkirk’s General Fund and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the City of Dunkirk shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the contractor thereof; and it is further

RESOLVED, that the Mayor of the City of Dunkirk be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Multi-Modal Program Funding on behalf of the City of Dunkirk with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality’s first instance funding of project costs and permanent funding of the local share of federal-aid and all Project costs that are not so eligible; and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, that a Certified Copy of this Resolution be filed with the Commissioner of Transportation of the State of New York by attaching it to any required and/or appropriate Agreements executed in connection with the project between City of Dunkirk and the State of New York; and it is further

RESOLVED, that this Resolution shall take effect immediately.

Carried, all voting aye.

NEW BUSINESS:

Councilman Heenan advised he has no new business, but commented on Resolutions #40 Authorizing Lease of Ambulance Cots for the Fire Department. These cots are over 20 years old; it's needed to prevent injury to the person on the cot as well as possibly to the firefighters operating the cot.

ADJOURNMENT:

Councilman Williams moved to adjourn. Seconded by Councilman Civiletto.

Carried, all voting aye.

Adjourned at 5:51PM

Edwin C. Ramos, City Clerk
