

COMMON COUNCIL PROCEEDINGS
April 17, 2018

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, Heenan, Civiletto, and Councilman-at-Large Woloszyn.

Also present: Mayor Rosas, City Attorney Morrisroe, City Treasurer Woods, City Assessor Mleczo, City Clerk, Public Works Director Woodbury, Fiscal Affairs Officer Beach, HR Director Campola, Executive Assistant to the Mayor Westling, Director of Development Yanus, Festivals & Special Events Director Rosas and Police Chief Ortolano.

Excused: Building Inspector Zurawski and Fire Chief Edwards.

Certification of the Tuesday, April 3, 2018 Common Council Meeting was read by City Clerk Ramos.

RESOLVED: That the reading of the Tuesday, April 3, 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.

Councilman Williams made a motion to go into executive session to discuss real estate, the proposed acquisition, sale or lease of real property or the proposed acquisition of securities or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof. No new business will be taken after the Executive Session concludes.

Seconded by Councilman Bamonto. Carried, all voting aye.

Executive session was called to order at 5:35PM.

Councilman Heenan made a motion to adjourn Executive Session. Seconded by Councilman Civiletto.

Adjourned 5:54PM.

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

PUBLIC COMMENTS:

Jim Fisher of Revitalize Dunkirk invited everyone to the monthly meeting Thursday, April 19th at 6:30PM at the Fredonia Technology Incubator. The guest speaker will be a person from H.O.P.E.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Rosas announced that our HUD Regional Administrator Lynne Patton to Chautauqua County on Friday, April 20, 2018. The City of Dunkirk as well as the City of Jamestown will be hosting Regional Administrator Patton on a tour of both cities. A press conference will be held at Dunkirk City Hall from 12:30pm-1:00pm. We will then hold a closed round table discussion with Regional Administrator Patton to discuss how crucial HUD funding is in Chautauqua County. We are excited to showcase Dunkirk and all of the positive impacts that CDBG funding has made in our community. The City and Erie Land Development LLC have come to an agreement on a land lease at 6680 Lakeshore Drive East. The developers are planning a Wyndham Hotel. Based on Council approval tonight the City will move forward in signing this land lease agreement and begin working with the developers on future plans of this site. Proclamation stating that April 17, 2018 is Nicole Gugino day, she has acted with integrity, professionalism and without bias on the many City events, council and committee meetings for the past two years. Nicole Gugino stated that it was an honor to serve in the City of Dunkirk with everyone who works so hard here.

Mayor Rosas re-appointed Jamie Thompson of 7 Taft Place, Dunkirk, NY to server another term on the Board of Assessment Review. This five year term is effective April 18, 2018 and will expire September 20, 2022.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Notice of Claim from Bob Habich for alleged damages caused when a payloader caught the edge of his driveway apron.

Councilman-at-Large Woloszyn stated a motion is needed to refer to the law department.

Councilman Williams made a motion. Seconded by Councilman Bamonto.

Carried, all voting aye.

Notice of Claim from Ellen Luckowiak for alleged damages caused when the sewer backed up into her basement.

Councilman-at-Large Woloszyn stated a motion is needed to refer to the law department.

Councilman Williams made a motion. Seconded by Councilman Civiletto.

Carried, all voting aye.

Request from Cynthia Karnes to use Promenschenkel Stadium and Koch's Field for the 9th Annual Joe Karnes Memorial Co-Ed Softball Tournament on Saturday, July 21, 2018 from 8:00am-10:00pm.

Councilman-at-Large Woloszyn stated a motion is needed to refer to appropriate departments as well as approve subject to appropriate insurances and usual conditions.

Councilman Bamonto made a motion. Seconded by Councilman Williams

Carried, all voting aye.

Request from Dunkirk Senior High School to have 2 police officers at the Junior-Senior Prom at the Clarion Hotel on Saturday, May 19 from 7:45pm-11:15pm.

Councilman-at-Large Woloszyn stated a motion is needed to refer to the PBA.

Councilman Williams made a motion. Seconded by Councilman Civiletto.

Carried, all voting aye.

Request from Northern Chautauqua Soccer Association proposing that the open space/city park located at North Pangolin Street be seasonally converted to a soccer field in a proposed partnership.

Councilman-at-Large Woloszyn requested that Clerk Ramos contact them and obtain further information.

RECEIVED AND FILED.

Request from Darrell Bankoski to use Promenschenkel Stadium for 11U baseball games May 11th & 20th and June 8th, 10th, 15th & 17th.

Councilman-at-Large Woloszyn stated a motion is needed to refer to appropriate departments as well as approve subject to appropriate insurances and usual conditions.

Councilman Bamonto made a motion. Seconded by Councilman Williams.

Carried, all voting aye.

Loudspeaker Application from:

Allan Steinburg to have live music at Rookies on the Lake, May 1 thru October 31 from 11:00am-1:00am.

Councilman-at-Large Woloszyn stated a motion is needed to refer to appropriate departments as well as approve subject to appr

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Williams stated the next DPW meeting will be on Wednesday, April 25, 2018 at 4:00 pm in the Mayors conference room. Council will be on view points on WDOE on Thursday, April 26, 2018 at 8:45am.

Councilman Bamonto inquired to HR Director Campola if we are in the process of hiring seasonal help. HR Director Campola stated that the process has begun.

Councilman Civiletto inquired to DPW Director Woodbury when the street sweeper would begin operating. DPW Director Woodbury stated that the street sweeper has already been out.

City Assessor Mieczko stated that there are about 100 seniors in the City of Dunkirk on the Enhanced STAR Program that have not brought their income statements in and re-registered for the Enhanced STAR Program for next year. That has to be done by May 1st, 2018.

UNFINISHED BUSINESS:

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 stated a motion is needed to take this off the TABLE.

Councilman Williams made a motion. Seconded by Councilman, Bamonto.

Carried, all voting aye.

REMOVED FROM THE TABLE.

Vote on Resolution.

Carried, all voting aye.

PRE-FILED RESOLUTIONS:

RESOLUTION #43-2018 AMENDED
April 17, 2018

BY: ENTIRE COUNCIL

AUTHORIZING PROFESSIONAL SERVICES CONTRACT FOR

THE JULY 4TH FIREWORKS DISPLAY

WHEREAS, the qualified and licensed professional services company, **Zambelli Fireworks Internationale**, which has supplied quality fireworks to the City of Dunkirk in the recent prior years, proposes a fireworks show of equal quality and length at no increase in cost to that of 2017; and

WHEREAS, said company has a consecutive multi-year history of good performances with the City of Dunkirk, in the opinion of the Department of Public Works, now, therefore, be it

RESOLVED, that the Mayor be, and hereby is, authorized to execute a contract, on behalf of the City of Dunkirk, with **Zambelli Fireworks Internationale**, PO Box 1463, New Castle PA 16103-1463, in the amount of Thirty Thousand Dollars and Zero Cents (\$30,000.00) for the July 4, 2018 (rain date July 5, 2018) fireworks display, in accordance with the proposal to match last year’s quality and duration of service at the same cost.

Carried, all voting aye.

RESOLUTION #44-2018
April 17, 2018

BY: COUNCILMAN BAMONTO

AUTHORIZATION TO ENTER INTO TEMPORARY SCHOOL RESOURCE OFFICER AGREEMENT WITH POLICE BENEVOLENT ASSOCIATION & DUNKIRK SCHOOLS

WHEREAS, in light of recent school shootings across the nation, and the increased frequency of such incidences, the need for security and law enforcement presence has increased; and

WHEREAS, studies have shown that active and engaged school resource officers improve discipline, behavior, coping skills and community relations both within the schools and within the community; and

WHEREAS, the Dunkirk Public Schools (“Schools”) have actively sought reintroduction of a school resource officer into the schools, and have weighed their options to meet their needs and goals, both in the short term for the rest of this school year, as well as for next school year and beyond; and

WHEREAS, all involved agree on the need to improve the safety and security of Dunkirk’s public schools for students, faculty and staff alike for the rest of the 2017-2018 school year; now, therefore be it

RESOLVED, the City of Dunkirk (“Dunkirk”), its Police Department, the Schools and the Dunkirk Police Benevolent Association (“PBA”) have agreed to a temporary program to have a School Resource Officer in the School District for the remainder of the current School Year; and be it further

RESOLVED, that the temporary agreement will engage Off Duty Officers, members of the PBA, in the Schools per an hourly rotation schedule and assignment arrangement between the PBA leadership and the Schools administration; and be it further

RESOLVED, that the number of hours the Schools will be covered will vary each day depending upon Officers signing up and the requested schedule of the Schools; and be it further,

RESOLVED, that if an Officer has signed up for an SRO rotation and an emergency (family or work) comes up, and he/she cancels or has to leave early, the PBA working in conjunction with Dunkirk Police will make diligent attempts to find another Off Duty Officer to fill it; however, be it further

RESOLVED, that Office Duty Officer attendance cannot be guaranteed by the PBA or Dunkirk, and Dunkirk cannot send an On Duty Officer to cover the SRO rotation; be it further

RESOLVED, that SRO Officers will be assigned their duties by the School administration; nevertheless, they have the ability to act based upon their sworn duties as Dunkirk Police Officers, albeit acting in an Off Duty capacity; and, be it further

RESOLVED, that because the agreement is between the PBA and the Schools, utilizing Off-Duty Officers at off-duty pay rates, Dunkirk is fully indemnified and held harmless by the Schools and the PBA for the actions and/or inactions of the Off Duty Officers acting as SRO officers with the Schools; and, be it finally

RESOLVED, that in the interim, negotiations between the parties will continue to permanently staff a School Resource Officer in the Schools for the 2018-2019 school year that begins in September.

Councilman Williams stated that he believes this is a good move and hopes things work out well.

Councilman-at-Large Woloszyn inquired to Police Chief Ortolano if he has anything to add.

Police Chief Ortolano stated that he is happy to see that they are moving forward with a temporary solution until the end of this school year. We are working out a permanent solution for the beginning of the next school year. Our priority is the safety of the kids and we will keep working on it.

Carried, all voting aye.

RESOLUTION #45-2018
April 17, 2018

BY: ENTIRE COUNCIL

**AUTHORIZING BUDGET LINE MODIFICATIONS
FOR FISCAL YEAR 2018**

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 2018, ending December 31, 2018; now, therefore, be it

RESOLVED, that the Fiscal Affairs Officer is hereby authorized and directed to make the following modifications to the Fiscal Year 2018 budget:

Fund 1 - General Fund

Account Number	Change	Department	Line
001.0001.2267	Police	Misc Police Grants	\$ 1,700.00
001.3120.2002	Police	Video Recording Equip.	\$ 1,700.00
	TOTAL		\$ -
(Video Equipment Grant)			

Carried, all voting aye.

REVISED RESOLUTION #46-2018
April 17, 2018

By Entire Council:

**AUTHORIZATION TO EXECUTE GROUND LEASE WITH
ERIE LAND DEVELOPMENT LLC FOR NEW WYNDHAM HOTEL**

WHEREAS, Dunkirk’s beginning renaissance has increased interest in and demand for development along its most precious resource, the Lake Erie shore; and

WHEREAS, private developers have recognized an opportunity to meet said demand in Dunkirk; and

WHEREAS, one such developer, Erie Land Development LLC (“Erie”), has already has seized on Dunkirk’s revitalization by starting the Battery Villas apartment development; and

WHEREAS, Erie also concurrently began negotiations with the Mayor and administration officials on developing a new hotel on vacant land owned by the City on Lake Shore Drive East; and

WHEREAS, this Council previously authorized the Mayor to enter into a ground lease with Erie last year via Resolution #50-2017 after a Memorandum of Understanding between the parties was signed last June; and,

WHEREAS, several issues raised by said Memorandum had to be addressed, modified and memorialized into the twenty-five (25) year ground lease that addresses lease payments, project scope, time frame and parameters when a major New York state grant application for the project was not funded in 2017; now, therefore be it

RESOLVED, that this Council authorize the Mayor to sign the ground lease with Erie Land Development LLC to develop a new Wyndham Hotel on Lake Shore Drive East in the City of Dunkirk, with the goals being project preparation and approval processes to begin in the Spring of 2018 and construction to be completed by December of 2019.

Councilman Williams stated that he is glad to see this moving forward.

Councilman-at-Large Woloszyn stated that he believes that it is in the vast benefit for the City of Dunkirk and the City of Dunkirk taxpayers with items that are included within the contract and the lease itself. It's great news for the City of Dunkirk, the waterfront, tourists and anyone who would be coming to this area. There will now be more entertainment and stay over options.

Carried, all voting aye.

RESOLUTION #47-2018

April 17, 2018

By: Councilmembers Bamonto & Williams

**PROPOSED LOCAL LAW & REFERENDUM TO CHANGE TERMS OF DUNKIRK
COUNCIL MEMBERS FROM 2 YEARS TO 4 YEARS**

WHEREAS, at one point historically, most state and local legislative bodies were elected to two-year terms in the State of New York, including the Dunkirk Common Council; and

WHEREAS, over time, legislative bodies such as the Buffalo Common Council and the Erie County Legislature held public referendums where citizens voted on changing their elected terms to four-year terms, as they found the cost, time and energy spent on re-election campaigns to be a drain on the time and energy that could be spent on legislating and addressing constituent concerns; and

WHEREAS, all elected officials in the City of Dunkirk were elected to two-year terms; and

WHEREAS, the elected term of the Mayor of Dunkirk was changed from two to four years several years ago via local law adoption and a referendum vote; and

WHEREAS, said position is still as accountable to the voters and citizens of Dunkirk as it was when under a two-year term, and

WHEREAS, NYS Municipal Home Rule Law §23 sets forth certain areas in which a referendum is required after the adoption of a local law; and

WHEREAS, one of the local laws requiring a mandatory referendum or vote under §23 is changing the term of an elected office; therefore, be it

RESOLVED, that this Council vote on a local law extending term limits from two-year terms to four-year terms, followed by the mandatory public hearing to be held at the next scheduled Common Council Meeting; and be it further

RESOLVED, that if Council passes this Resolution, then said term change must be placed before the voters of Dunkirk via Referendum in this year's General Election to be held on November 6, 2018.

Councilman Williams made a motion to TABLE the Resolution for a Public Hearing.

Seconded by Councilman Bamonto.

Vote to Table Resolution.

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

No Response: Councilman Heenan.

TABLED.

Councilman-at-Large Woloszyn stated that a public hearing will be held on Tuesday, May 1, 2018 at 5:20pm.

ADJOURNMENT:

Councilman Williams moved to adjourn. Seconded by Councilman Civilettop.

Carried, all voting aye.

Adjourned at 6:12PM

Edwin C. Ramos, City Clerk
