

**PUBLIC HEARING
May 1, 2018**

The public hearing was called to order at 5:20 PM by Councilman-at-Large Woloszyn.

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

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

Notice of Public Hearing was read by Councilman-at-Large Woloszyn.

The public hearing was held for the purpose of giving interested persons an opportunity to comment on Resolution #47-2018 Proposed Local Law & Referendum to Change Terms of Dunkirk Council Members from 2 Years to 4 Years.

PUBLIC COMMENTS:

Valerie Pawlak of 10 Ruggles Street and a Revitalize Dunkirk member advised she would like to see the Council Members term remain at two years.

Public Hearing closed at 5:23 PM

Edwin C. Ramos, City Clerk

**COMMON COUNCIL PROCEEDINGS
May 1, 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, Clerk, City Assessor Mleczko, City Clerk, Public Works Director Woodbury, Fiscal Affairs Officer Beach, Building and Zoning Inspector Zurawski, HR Director Campola, Director of Development Yanus, Fire Chief Edwards and Police Chief Ortolano.

Certification of the Tuesday, April 17, 2018 Common Council Meeting was read by City Clerk Ramos.

RESOLVED: That the reading of the Tuesday, April 17, 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:

Valerie Pawlak advised she contacted many dignitaries; Attorney General Schneiderman, State Comptroller DiNapoli, Governor Cuomo, our Rich Nixon, and Lori & Chuck Cornell “on trying to keep our hospital” because it has been eight months and we have heard nothing. She advised she was told to give the information to each Councilmember and the City Attorney so they could have an Executive Meeting regarding it so “you can fight for the hospital”. She heard a rumor the Observer is for sale. The train depot is coming and when the AmTrak comes through if they have an emergency they will stop in Dunkirk. Lastly, Ms. Pawlak read a portion of a letter that included a thank you to Public Works Director Woodbury, Water Filtration Plant Supervisor Bob Lawrie and Water Plant Chemist Kyle for the exceptional way they handled the accident with a main water break last month.

COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:

Mayor Rosas advised he and Director of Development Yanus took a tour of Dunkirk Specialty Steel today, the company is in the implementation phase of a ten million dollar upgrade to the plant, this will provide them the ability to make their product more efficiently and bring more jobs in the future.

COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:

Request from the Dunkirk Harbor Commission requesting approval of Commercial Bait Fishing Applications.

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.

Invitation from the B.P.O. Elk’s #922 for the Mayor and Council members to attend its Annual Flag Day Ceremony on Thursday, June 14, 2018 at 6:00 PM at the Dunkirk Historical Lighthouse and for the Mayor to speak a few words.

Received and filed.

Request from Adam J. Woelfle to use City facilities for the Annual Dunkirk Lakefront 5k on Saturday, August 4, 2018 from 8:00 AM until 12:00 PM and Police presence near the Dunkirk Pier for the beginning and end of the race to temporarily block traffic.

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 the Great Lakes Experience, Inc. to use Memorial Park on Saturday, June 9, 2018 from 11:00 AM to 5:00 PM for their Great Lakes Experience Festival. Also requesting (4) 10' x 10' band stands and garbage barrels with liners, as the GLE Committee anticipates over 45 exhibitors to this year's huge event.

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 Civiletto.

Carried, all voting aye.

Request from the Dunkirk City School District for two police officers for supervision of the High School home football games from 7:00 PM until 10:00 PM on August 31, 2018, September 14, 2018, October 5, 2018, October 11, 2018, and for three police officers for the Homecoming game on September 28, 2018. Also, requesting two police officers for two High School home basketball games from 6:00 PM until 10:00 PM on December 14, 2018 and February 1, 2019.

Councilman -at-Large Woloszyn thanked the Dunkirk City School District for turning in their requests months in advance because it makes it easier for planning and assigning officers in advance.

Councilman -at-Large Woloszyn advised a motion was needed to refer to the Police Department and the Police Union.

Councilman Civiletto made a motion to refer to the Police Department and Police Union. Seconded by Councilman Bamonto.

Carried, all voting aye.

Notice of Claim from Isis R. Galindo Rosado for alleged injuries sustained on April 13, 2018 due to a trip on an upended sidewalk on Central Avenue.

Councilman-at-Large Woloszyn advised a motion was needed to refer to the Law Department.

Councilman Williams made a motion to refer to the Law Department. Seconded by Councilman Bamonto.

Carried, all voting aye

Loudspeaker application from Karen Payne on behalf of the B.P.O. Elk's #922 to use an amplifier, speaker, and microphone for the Flag Day Ceremony on Thursday, June, 14, 2018 from 6:00 PM until 8:00 PM at the Dunkirk Lighthouse.

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

Carried, all voting aye.

Loudspeaker application from the Clarion Hotel to use outside music and bands until 1:00 AM from May 25, 2018 through October 31, 2018..

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

Carried, all voting aye.

Councilman-at-Large Woloszyn advised there was a Walk-In Communication.

Request from the Salvation Army to hold their first Salvation Army tag day fundraiser on Saturday, May 12, 2018 from 9:00 AM to 3:00 PM at three different City intersections to help fund youth camps, equipment, jerseys, league play, and team travel.

Councilman-at-Large Woloszyn advised after discussion during the workshop it was decided by the Police Chief and Council that a four hour time period instead of the six hours requested is preferred and would vote on the request CONTINGENT upon, if and only if, the group picks a four hour time window out of the six hours they requested.

Carried, all voting aye.

REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:

Councilman Williams advised he has received many phone calls on Spectrum, inquired if the City can get into some talks with Spectrum for cheaper boxes or a cheaper basic package, inquired if the City is currently under contract with Spectrum and if there was anything the City can do. Councilman Williams also advised with the channel changes the Council Meetings are no longer on Channel 12. Residents can now watch the Council Meetings on Channel 1301.

Mayor Rosas advised it couldn't hurt to reach out to Spectrum, but doesn't know if Spectrum would be willing to work with us.

Attorney Morrisroe advised the City will need to check out what is in the contract for negotiations.

Councilman Bamonto advised there will be a Personnel Committee Meeting at 4:00 PM in the Mayor's Conference Room, inquired of Public Works Director Woodbury on the latest on pot holes and brush pickup in the City.

Public Works Director Woodbury advised May is an official brush pickup month. It officially started today in the first ward. Residents should check their recycling calendars to see when it is their week. City crews have been working on the brush pickup through today from a couple major storms. As for the potholes, Streets Supervisor Porpiglia has been able to get hot mix on Mondays from the Granot Springville Plant. The crew has been working with that. The crew started with the most visible areas on Route 5 and with the big holes the City has been notified about. The Streets Department is also responsible for the water line repair holes. Those are being treated with hot mix too. The City has hired its seasonal hires and is trying to expand the crews so it can run the hot box for longer period during the day. The pot holes are going to take a longer time than

we have seen in a long time, but the crews going to try to work more hours during the day to get it done.

Councilman Heenan advised concern over the way every committee is recording their minutes in a different way, is looking for something more cohesive, and made the suggestion that all the minutes be recorded and transcribed through the Clerk's Office. Councilman Heenan inquired if a resolution would be needed, suggested this be looked into for the future to find a better way to do it, and advised it did not need to be dealt with this evening.

Mayor Rosas advised, "That may require we increase our staffing levels in that department. In my opinion, that's always been the responsibility that council people have. When I was council person I recorded my own minutes. My minutes were recorded and I did my own minutes. But, if that is something this council would like to do, then we'll have to look at it. But, the Clerk's Office has been very very busy as of lately and adding this duty, which is a very important duty, I think may require us to look at, at least hiring a part-timer in there."

Councilman-at-Large Woloszyn advised this is something that can further be discussed amongst the council at their future committee meetings.

Councilman Civiletto advised he drove around the 4th Ward, noticed many potholes were filled, thanked the Streets Department for their attention to the potholes, and announced the next Public Safety Committee will be on Wednesday, May 9, 2018 at 4:00 PM.

Councilman-at-Large Woloszyn inquired of City Assessor Mleczeko if there were any announcements regarding the STAR Program from the Assessor's Office and announced the next Finance Committee Meeting is scheduled for May 17, 2018 at 4:00 PM.

City Assessor Mleczeko advised today was the deadline for the enhanced STAR program and that eight eligible people did not reregister with the program this year.

UNFINISHED BUSINESS:

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-at-Large Woloszyn advised a motion was needed to take the Resolution off the TABLE.

No motion was made to remove off the TABLE.

Resolution #47-2018 remains on the TABLE.

PRE-FILED RESOLUTIONS:

RESOLUTION # 48 -2018

May 1, 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	Department	Line	Change
001.0001.1081.0812	Revenue	PILOT- Private Industries	\$ 12,012.00
001.0001.2267	Revenue	Misc. Police Grants	\$ 15.00
001.0001.2279	Revenue	Brownfield Opportunities	\$ 12,213.45
001.0001.2530	Revenue	Bell Jar	\$ 50.00
001.0001.2550	Revenue	Certificates of Occupancy	\$ 60.00
001.1210.1001	Mayor	Overtime	\$ 1,000.00
001.1210.4002	Mayor	Supplies	\$ 100.00
001.1355.4009	Assessor	Fees/Dues	\$ 10.00
001.1410.4036	Clerk	Contracted Service	\$ 540.45
001.1420.4236	Law	Abstracts	\$ 500.00
001.1640.4002	Central Garage	Supplies	\$ 600.00
001.1900.1930	General Services	Judgments & Claims	\$ 1,250.00
001.1900.1990	General Services	Contingencies	\$ 18,500.00
001.5010.1001	Streets Admin.	Overtime	\$ 3,500.00
001.5143.1001	Sidewalk Plowing	Overtime	\$ 600.00
001.7110.4013	Parks	Electric	\$ 2,500.00
001.8560.4022	Tree Trimming	Repair to Equipment	\$ 50.00
001.9060.0810	Medical Benefits	Benefits Consulting Fee	\$ (4,800.00)
TOTAL			\$ -

Fund 2- Water Fund

Account Number	Department	Line	Change
002.1900.1990	General Services	Contingencies	\$ (33,185.70)
002.8350.1000	Water Meter	Personal Service	\$ 3,785.70
002.9010.0800	Municipal Retirements	Employee Retirement	\$ 27,000.00
002.9060.0810	Medical Benefits	Benefit Consulting Fee	\$ 2,400.00
TOTAL			\$ -

Fund 3- Wastewater Fund

Account Number	Department	Line	Change
003.1900.1990	General Services	Contingencies	\$ (17,400.00)
003.9010.0800	Municipal Retirement	Employee Retirement	\$ 15,000.00
003.9060.0810	Medical Benefits	Benefits Consulting Fee	\$ 2,400.00
TOTAL			\$ -

Carried, all voting aye.

**RESOLUTION # 49-2018
May 1, 2018**

BY: COUNCIL MEMBERS HEENAN AND CIVILETTO

AUTHORIZING ADOPT-A-GARDEN PROGRAM

WHEREAS, the City of Dunkirk owns and maintains a number of garden sites around the community; and

WHEREAS, members of the Revitalize Dunkirk community group have expressed interest in assisting the City in maintaining some of these garden sites; and

WHEREAS, these community members have demonstrated strong gardening abilities; and

WHEREAS, the City's Parks Department and the Local AFSCME 912 have both agreed in writing to allow Revitalize Dunkirk members to assist in maintaining specified garden sites for the 2018 season; and

WHEREAS, the Department of Planning and Development has established agreements and rules to effectively manage this program; and

WHEREAS, all parties agree that Revitalize Dunkirk assistance will help beautify the City and make it a more attractive place for residents and visitors alike; now, therefore, be it

RESOLVED, the Common Council hereby approves the Adopt-a-Garden Program for the 2018 season.

Councilman-at-Large Woloszyn advised he was informed of an amendment to this resolution. In the 5th WHEREAS, where it states, “WHEREAS, the Department of Planning and Development ”; right after that it should say; “ and the Department of Public Works has established agreements and rules to effectively manage this program”. We need to insert, “and the Department of Public Works”.

Councilman-at-Large Woloszyn asked for a vote to AMEND.

Vote to amend Resolution: Carried, all voting aye. AMENDED.

RESOLUTION # 49-2018
May 1, 2018

BY: COUNCIL MEMBERS HEENAN AND CIVILETTO

AUTHORIZING ADOPT-A-GARDEN PROGRAM

WHEREAS, the City of Dunkirk owns and maintains a number of garden sites around the community; and

WHEREAS, members of the Revitalize Dunkirk community group have expressed interest in assisting the City in maintaining some of these garden sites; and

WHEREAS, these community members have demonstrated strong gardening abilities; and

WHEREAS, the City’s Parks Department and the Local AFSCME 912 have both agreed in writing to allow Revitalize Dunkirk members to assist in maintaining specified garden sites for the 2018 season; and

WHEREAS, the Department of Planning and Development and the Department of Public Works have established agreements and rules to effectively manage this program; and

WHEREAS, all parties agree that Revitalize Dunkirk assistance will help beautify the City and make it a more attractive place for residents and visitors alike; now, therefore, be it

RESOLVED, the Common Council hereby approves the Adopt-a-Garden Program for the 2018 season.

Vote on Resolution as amended: Carried, all voting aye.

**RESOLUTION # 50-2018
May 1, 2018**

BY: ENTIRE COUNCIL

**RESOLUTION ACCEPTING \$2,500,000 IN SMART GROWTH FUNDING AND
AUTHORIZING EMPIRE STATE DEVELOPMENT GRANT DISBURSEMENT
AGREEMENT**

WHEREAS, the City of Dunkirk has received notification from Empire State Development that they have been awarded Smart Growth funding through the Buffalo Regional Innovation Cluster 17-18 in the amount of two million five hundred thousand dollars (\$2,500,000); and

WHEREAS, this funding has been awarded for the contribution to the City of Dunkirk Pier and Harbor, and Central Avenue projects; and

WHEREAS, after a complete review and approval of the projects from Empire State Development, funding is now available for this project, now, therefore be it

RESOLVED, that the City Council approves the Mayor to move forward and sign the Grant Disbursement Agreement and the City Treasurer and Fiscal Affairs Officer make the necessary budget line modifications to properly account for the above grant.

Carried, all voting aye.

**RESOLUTION # 51-2018
May 1, 2018**

BY ENTIRE COUNCIL:

**RE-ESTABLISH CITY MANAGEMENT OF FIREMEN'S GROUNDS AT POINT
GRATIOT**

WHEREAS, the lease for management, renting and maintenance of the Firemen's' Grounds at Point Gratiot between the Volunteer Firemen Hose #4 ("Hose #4") and the City of Dunkirk ("Dunkirk") has expired; and

WHEREAS, Hose #4 has relinquished control of the grounds back to Dunkirk, which has always owned the grounds as part of Point Gratiot since the entire park was land granted to the City; and

WHEREAS, Hose #4 was again asked if it would like to manage and maintain the grounds, and it has clearly said no to the Mayor; and,

WHEREAS, there is clear and continued demand to rent the grounds, which has another large pavilion and a refrigeration truck not available at the rest of the Point Gratiot pavilion's; and

WHEREAS, the summer rental season fast approaches and residents have already called to make reservations; now, therefore, be it

RESOLVED, that the City re-establish management, renting and maintenance of the Firemen's Grounds directly at Point Gratiot, handled through the City Clerk's Office just as Dunkirk does for rental of all other pavilions located at Point Gratiot and its other Parks; and

BE IT FURTHER RESOLVED, that the City establish rental rates of \$100 for residents and \$200 for nonresidents in the City Code, contingent upon a vote after a public hearing to be held prior to the next Common Council meeting.

Carried, all voting aye.

ADJOURNMENT:

Councilman Williams moved to adjourn. Seconded by Councilman Civiletto.

Carried, all voting aye.

Adjourned at 5:57 PM

Edwin C. Ramos, City Clerk
