

**COMMON COUNCIL PROCEEDINGS**  
**June 19, 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, Building Inspector Zurawski, HR Director Campola, Executive Assistant to the Mayor Westling, Director of Development Yanus, Fire Chief Edwards and Police Chief Ortolano, Festivals & Special Events Director Rosas.

Certification of the Tuesday, June 19, 2018 Common Council Meeting was read by City Clerk Ramos.

**RESOLVED:** That the reading of the Tuesday, June 19, 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 Heenan 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.

Seconded by Councilman Williams.

Executive Session was called to order at 5:35pm.

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

Adjourned 6:11pm

**PUBLIC COMMENTS:**

Steve Rees of Revitalize Dunkirk, Inc on behalf of our Beautification Committee, thank you to the City of Dunkirk for the ongoing maintenance by regular watering and fertilizing of the flower baskets in particular, Randy Woodbury, Ken Sek and Russ Tenamore and would like to acknowledge the efforts of Andy Bohn and Matt Bourke in assisting with Adopt-A-Garden. We want to remind everyone that Bring-Your-Own-Chair Sunset Watch will be at the Dunkirk Lighthouse and Veteran's Park on July 15 near sunset. There will be discounted lighthouse tour prices as well. The next Revitalize Dunkirk meeting will be held on June 19<sup>th</sup> at 6:30 at the Fredonia Technology Incubator on Central Ave. Finally, Revitalize Dunkirk, Inc. wishes all to know that only members of the Board of Directors of the organization or their authorized designees may offer comments and opinions on behalf of the organization. Comments and

opinions offered by others do not represent the Revitalize Dunkirk, Inc. and should not be construed as such by this or any other body. The comments and opinions of those not designated by the board are theirs alone and do not represent Revitalize Dunkirk, Inc., its Board of Directors, or the collective membership of the organization.

Tamara Benjamin of 51 Wilson Avenue spoke in opposition of the home of the future Methadone clinic due to the proximity of the Catholic school, which is potentially coming to Dunkirk.

Jenna Walker of 415 Eagle Street spoke in opposition of the home of the future Methadone clinic due to the proximity of the Catholic School, which is potentially coming to Dunkirk.

#### **COMMUNICATIONS FROM THE MAYOR INCLUDING DISAPPROVAL MESSAGES:**

Mayor Rosas stated that he did attend the Juneteenth Festival this past weekend. They were very impressed with the support that they received from the City and would like to address the issues that were brought up earlier. When I first came into office I reached out to NCCS. There have been issues with enrollment numbers being low and the City is looking to do anything we can to help them. We realize that it is the only Catholic School in the County and we would like to help them stay open. I have been advocating for an Opioid Treatment Clinic here in this area. There are people dying from this epidemic. The State Representatives have been helpful; The Commissioner of the New York Office of Alcohol and Substance abuse services did visit a few sites. I want to assure the Public that in no way, shape or form is the Mayor responsible for bringing in an Opioid clinic. No Mayor of any municipality in New York State has that type of power or authority. In fact, if the State decides that they are going bring one in, as long as they are not in violation of any of our City codes or New York State regulations, this Council nor the Mayor has any choice in that decision. The decision to pick a site was that of the provider in conjunction with the funder which is OASAS. I want to make sure that the families know that I fully understand their concerns and I will do everything and anything within my power to make sure we are addressing your concerns. I want the council members to know that the provider that they are looking to bring in is very professional. There is a lot of stereotyping with these clinics, they say people are congregating, loitering and that there are needles and packages and things like that around. I would not support anything even close to that anywhere in the City regardless of what location they would pick. I want everyone to understand that I support NCCS and I will work with Council to address those concerns and at the same time we have a very serious epidemic in our community that we need to address. We have an opportunity to address that issue but as hard of a decision as it may be, we have to make the right decision. Mayor Rosas asked City Attorney Morrisroe to give you a little more insight on the provider and what we should expect.

City Attorney Morrisroe stated that the location that was chosen was chosen by the private entity which is the nonprofit provider of those services. The City had no say or authority to mandate any of that. In terms of zoning and planning it is currently zoned as a mental health clinic and there is no need for a use variance or any need for them to appear for any City planning body or the zoning board. Any changes they make are internal. In terms of the radius of the school that is understandable but also understand that building is as close to an island physically, geographically in the City as it could be in the sense that it's not in the heart of a residential neighborhood. It is not next door to any facility that would cause or raise any kind of zoning concerns and zoning laws were passed throughout this country to avoid clash of uses so to say. We have been in contact with the provider. They are a New York City entity that has a Buffalo

affiliate. The clinic that is in Buffalo is on the lower West side in the heart of a residential neighborhood and there was plenty of concern before that went into operation, plenty of public meetings were had, sponsored by the provider. As a Buffalo resident I watched all of that first hand and what I can tell you is that after all of that, the clinic is a well oiled machine, the neighborhood is actually safer and crime numbers are down from what they were prior. The loitering issues and the concerns that you rightly raised are not an issue, they have security surrounding the building at all times of operation.

**COMMUNICATIONS FROM THE PUBLIC AND PETITIONS:**

Request from Dunkirk Midget Football League to have their annual Tag Days fundraiser on Saturday, August 4<sup>th</sup> from 9am-3pm at the following intersections: Central Avenue and Fourth Street, Central Avenue and Fifth Street and West Doughty Street near the fire hall.

Councilman-at-Large Woloszyn stated a motion was need to refer to appropriate departments and approve subject to appropriate insurances and usual conditions.

Councilman Bamonto made a motion. Seconded by Councilman Williams.

Carried, all voting aye.

Request from Venesia Butts of 214 Plover Street to close off the entrance of the beginning of Plover Street to the end of Plover Street from 9am to 10pm on July 4<sup>th</sup> for a neighborhood celebration Sound and/or music amplification will be utilized.

Councilman-at-Large Woloszyn stated a motion was need to refer to appropriate departments and approve subject to appropriate insurances and usual conditions.

Councilman Williams made a motion. Seconded by Councilman Civiletto.

Carried, all voting aye.

Request from the Martinez family to set up a30x20 tent on Sunday, July 7th at Point Gratiot in the Northeast corner of the park as to not encroach on others. The tent would be set up by Piede Tents.

Councilman-at-Large Woloszyn stated a motion was need to refer to appropriate departments and approve subject to appropriate insurances and usual conditions.

Councilman Williams made a motion. Seconded by Councilman Civiletto.

Carried, all voting aye.

Request from Renee Griffith to have a bounce house at Koch's Pavilion at Point Gratiot on Sunday, July 15<sup>th</sup> for a family picnic.

Councilman-at-Large Woloszyn stated a motion was need to refer to appropriate departments and approve subject to appropriate insurances and usual conditions.

Councilman Bamonto made a motion. Seconded by Councilman Williams.

Carried, all voting aye.

Request from Brian Meyer for the City to have a Flea Market every weekend from May 1<sup>st</sup> thru Labor Day in the parking lot on the corner of Washington Avenue and Lakeshore Drive. He would need 3 trash cans and 3 cones each weekend.

Councilman-at-Large Woloszyn stated a motion was need to refer to appropriate departments and approve subject to appropriate insurances and usual conditions.

Councilman Williams made a motion. Seconded by Councilman Civiletto.

Carried, all voting aye.

Request from Brian Madurski to use the Wright Park basketball courts on Saturday, August 18, 2018 for the Annual NCCYHA Street Hockey Tournament; rain date Sunday, August 19, 2018. Also requesting to have food vendors and a bounce house.

NO ACTION TAKEN.

Notice of Claim from Jessica Pencek for alleged damages to her tire when she hit a pothole on Warsaw Street on June 6, 2018.

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

Councilman Williams made a motion. Seconded by Councilman Civiletto.

Carried, all voting aye.

Small Claims Court Notice: Rebecca Mirek against the City of Dunkirk.

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

Councilman Williams made a motion. Seconded by Councilman Civiletto.

Carried, all voting aye.

Loudspeaker Application from:

Henry Hooten Sr to have a jazz band on Tuesday, July 3 at 8:00pm.

Dom Polski Club to use microphone, amplifier, speakers (band equipment) on August 5<sup>th</sup> from 1:00pm-5:00pm.

Dunkirk Historical Lighthouse and Veterans Park Museum to use a loudspeaker from 9am-9pm on August 17<sup>th</sup>-19<sup>th</sup> for the Annual Reenactment Festival Weekend.

Blessed Mary Angela to have a live band on August 12 from noon-8:00pm.

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

Carried, all voting aye.

**REPORTS OF STANDING COMMITTEES, BOARDS AND COMMISSIONS:**

Councilman Williams stated the next DPW Committee meeting will be Wednesday, June 27<sup>th</sup> at 4:00pm in the Mayors Conference room and the Council should be on view points on WDOE on Thursday, June 28 at 8:45am. Also thanked Chief Ortolano for checking on the light at Second and Roberts and doing the traffic study there and inquired to DPW Director Woodbury when the City Electrician would be able to get there and fix that loop and if the deck at the boardwalk has been repaired and is there plan for correcting the drainage on the back side of Otter Street. Thank you to Director of Development Yanus for all of the development in the works coming and your office has been working very hard. You are doing a fine job trying to get things done and make changes in the City of Dunkirk.

DPW Director Woodbury stated the City Electrician would be there to fix that loop once he is done wiring the splash pad and the deck at the boardwalk is being worked on. The drainage problem is not a simple fix. The Mayor is committed to fixing it. We will get with the City Engineering Technician and map that out.

Councilman Bamonto inquired to DPW Director Woodbury for an update on Howard Avenue and Lucas Avenue.

DPW Director Woodbury stated it will be paved in the next couple weeks. They are doing finishing touches on the Lucas Avenue site.

Councilman Heenan inquired to Director of Development Yanus about the Resolution regarding Participation of Kayaks, will parking, security and liability will be addressed if we are awarded that grant.

Director of Development Yanus stated that Chautauqua County is putting in for this grant application thru the Consolidated Funding Application that is due July 27<sup>th</sup>. It's an overall plan to increase kayak use along the waterway. This is to increase recreation and to continue to revitalize our waterfront.

Councilman Civiletto inquired to Director of Development Yanus if there will be a fence around the splash pad.

Director of Development Yanus stated there will be no fence around the splash pad.

Councilman-at-Large Woloszyn stated there will be a Finance Committee Meeting will be on Thursday, June 21<sup>st</sup> at 4:00pm and thank you to the citizens who came out to speak today regarding the pier improvements and thank you to the individuals who came here to speak on behalf of NCCS and their families.

**UNFINISHED BUSINESS:**

**PREFILED RESOLUTIONS:**

**RESOLUTION #60-2018**  
**June 19, 2018**

**BY: ENTIRE COUNCIL**

**SUBMISSION OF PROGRAM YEAR 2017 CONSOLIDATED ANNUAL  
PERFORMANCE & EVALUATION REPORT (CAPER) FOR CITY OF DUNKIRK  
CDBG PROGRAM TO HUD**

**WHEREAS**, the City of Dunkirk receives funding each year from the United States Department of Housing and Urban Development (HUD) through the Community Development Block Grant (CDBG) program, and

**WHEREAS**, the CDBG program provides much-needed funding to improve our community by providing decent housing, a suitable living environment, and by expanding economic opportunities, and

**WHEREAS**, the City develops a CAPER each year which outlines the City's accomplishments for the prior program year, and

**WHEREAS**, during the 2017 program year the City's CDBG program utilized \$353,407 in funding to assist our community with home repairs, home purchases, after-school programs, street improvements, and demolition of vacant structures, among other programs, and

**WHEREAS**, following the City's approved CDBG Citizen Participation Plan, the draft CAPER was presented to the public by means of a public hearing and a fifteen-day public comment period, and

**WHEREAS**, no comments were received on the CAPER, now, therefore, be it

**RESOLVED**, that the City of Dunkirk PROGRAM YEAR 2017 CAPER will be submitted to HUD for review before June 30, 2018.

Carried, all voting aye.

**RESOLUTION #61-2018**

June 19, 2018

**BY: ENTIRE COUNCIL****AUTHORIZING PARTICIPATION IN KAYAKS ALONG CHAUTAUQUA/LAKE ERIE**

**WHEREAS**, the City of Dunkirk has been invited to participate in a grant application titled Kayaks along Chautauqua/Lake Erie; and

**WHEREAS**, Kayaks Along Chautauqua/Lake Erie is a multi-community grant application led by the Chautauqua County Department of Planning and Development to purchase and install ADA-Accessible kayak launches in multiple communities on Lake Erie and Chautauqua Lake; and

**WHEREAS**, such participation will require a dedicated spot to launch kayaks and other non-motorized small watercraft along the Lake Erie shoreline on municipal property, in-kind work by the City to prepare the site, and local financial contribution from the municipalities involved; now, therefore, be it

**RESOLVED**, that subject to funding from the New York State Department of State's Local Water Front Revitalization Program and other identified financial contributors, the City of Dunkirk will participate in Kayaks Along Chautauqua/Lake Erie, and will contribute in-kind services, and funding in support of Kayaks Along Chautauqua/Lake Erie, which will include a cash contribution not to exceed ten thousand dollars and zero cents (\$10,000) in FY 2019; assistance with identifying the physical location of the kayak launch; in-kind assistance in the form of site preparation for the kayak launch; and removal and storage of the dock seasonally.

Carried, all voting aye.

**RESOLUTION #62-2018**

June 19, 2018

**BY: ENTIRE COUNCIL****AUTHORIZING AGREEMENT FOR CONSULTANT SERVICES  
FOR CITY OF DUNKIRK SMART GROWTH CAPITAL INITIATIVE PIER AND  
HARBOR PROJECTS  
(Barton and Loguidice)**

**WHEREAS**, the City of Dunkirk has been awarded \$2,500,000 through the Buffalo Billion Phase II funding to enhance the Dunkirk Pier and harbor to include an increase in green space and recreation amenities, as well as improved connections between the pier and waterfront trail system; and

**WHEREAS**, professional consultant services are required to develop engineering plans, specifications, and implementation of the Pier project, and Barton and Loguidice, is ready, willing and able to provide such services for the City in a good and workmanlike manner as determined by the Director of Planning and Development under her responsibility and authority by the City Code, and with the further consideration that Barton and Loguidice, comes highly recommended from the nearby communities that have done similar projects; now, therefore be it

**RESOLVED**, that the Mayor is authorized and directed to execute an agreement of services, on behalf of the City of Dunkirk, with Barton and Loguidice, 443 Electronics Parkway Liverpool, NY 13088, to program and design the City’s Pier and Harbor for the benefit of the community with a cost not to exceed a total of two hundred eight thousand four hundred (\$208,400) for design, construction documents, and bid phase services and one hundred thirty six thousand eight hundred (\$136,800) for construction phase services; and be it finally

**RESOLVED**, that the revenue and appropriations for this project be set up by Fiscal Affairs as an income and expense in a separate City Fund, and that any and all consultant contract administration services be paid from the expense line of said Fund.

Carried, all voting aye.

**RESOLUTION #63-2018**  
**June 19, 2018**

**By Councilmembers Williams, Bamonto & Civiletto:**

**AUTHORIZATION TO AMEND AND TWIN GROUND LEASE WITH  
ERIE LAND DEVELOPMENT LLC FOR NEW WYNDHAM HOTEL AND  
RESTAURANT/BREW PUB OUTPARCEL**

**WHEREAS**, this Council previously authorized the Mayor to execute a ground lease with Erie Land Development LLC (“Erie”) last year via Resolution #43-2018 after a Memorandum of Understanding between the parties was signed last June; and

**WHEREAS**, in follow up discussions with Erie, the structure of the deal came up as it relates to financing and funding sources, as well as brownfield clean up of the parcels; and

**WHEREAS**, changes to the structure of the deal are necessary to address these issues; now, therefore, be it

**RESOLVED**, that this Council authorizes the Law Department and the Planning and Development Department to make the following changes to the lease(s):

Prepare separate ground leases for the Wyndham Hotel and the proposed restaurant/microbrewery, as no lender will make a construction loan on multiple projects located on one parcel that are being constructed at different times.

Extend the term of the ground leases to 50 years, as this will make the projects more attractive to lenders for permanent financing (Note this extension does not affect the term of any proposed Chautauqua County IDA PILOTs, which typically have a term of 15 years).



□ Merge the separate tax parcels into 2 parcels, one for the hotel and one for the restaurant/microbrewery. This has been researched, and it will not affect the brownfield cleanup necessary.

Councilman Williams inquired that a yes vote on this does not mean we are agreeing to the plans on this but rather we are voting to move forward to get everything in action so we can look at it. We are not okaying the actual plan that's there right now by voting yes on this.

Director of Development Yanus stated that he is correct.

Carried, all voting aye.

**ADJOURNMENT:**

Councilman Williams moved to adjourn. Seconded by Councilman Civileto.

Carried, all voting aye.

**Adjourned at 7:00PM**

**Edwin C. Ramos, City Clerk**

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